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9. The provisions of article 158, Civil Service Regulations, may be applied to those subordinates who may so desire.

10. When initial pay has been fixed according to the foregoing rules, the individual concerned will be considered to have entered the appropriate stage of the time-scale on 1st March 1921 and will be eligible for the next increment, if any, in the time-scale only after the expiry of the full period of stay provided for in the stage concerned.

II

COMMUNICATION TO THE COUNCIL.

The SECRETARY laid on the table the proceedings of the 29th meeting for 1922-23 of the Standing Finance Committee of the Madras Legislative Council held on Saturday, the 10th March 1923.*

III

MOTIONS ON THE BUDGET FOR 1923-24.

DEMAND XI—CIVIL JUSTICE.

MOTION No. 120—*cont.*

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, I propose to take this opportunity, in view of the tabling of three or four motions having the same objects in view, to place before this Council what exactly has been done in the matter referred to in the debate and what is proposed to be done. For the information of hon. Members of this House, I may give an analysis—I trust they will bear with me if I take some more time than usual—of the courts which have been proposed to be abolished by the Government, or as to whose abolition there have been proposals from other sources. I shall next give a table of the localities where new temporary courts are considered necessary or desirable; and thirdly, I shall indicate to the Council what is the programme that may have to be followed in order to follow out the ideas of the hon. Members of this Council.

"I may mention *in limine* that, as is perhaps known to most of the Members of this Council, there was a very weighty committee appointed for the purpose of discussing the question of civil arrears. That committee was composed of my predecessor in office, Sir Francis Oldfield and Mr. Krishnaswami Rao, and later on Mr. Viswanatha Sastri. They examined the whole question with regard to the pendency of cases in all the localities of this presidency. They made the following recommendation—the papers will shortly be placed on the Editors' table, viz., that there should be an immediate increase in the number of Sub-Judges and District Munsifs temporarily for one year. I would ask hon. Members to mark those words, that this expedient of having temporary Subordinate Judges and District Munsifs is only to be for the space of one year and deliberately and avowedly with the object of reducing the present pendency; and efforts will be made, whether by way of redistribution of jurisdictions or of transfers of cases to see that these places are served by as many officials as will best serve the objects that hon. Members have all in view. The other recommendation that they made was that an immediate examination should be undertaken, court by court, of the normal file and the

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normal disposal so as to arrive at an average, and an immediate examination of the file for the purpose of redistribution so as to give equal quantity of work to all judicial officers. And I may add, a further investigation will also be necessary in order to see that some courts have not got work of too heavy a character for one man to bear, while other courts have comparatively light work.

“With these preliminary observations, I may invite the attention of this House to those tables to which I have already adverted. There have been proposals—I do not mean to say that these proposals have matured or that any definite determination has been come to in respect of them by the Government—for the abolition of the East Tanjore District Court. I may mention in this connexion that as soon as a proposal is made for the abolition of a district court, or a sub-court, the Government are in receipt of a number of communications from weighty and responsible people who say that that particular abolition is what is least to be desired whatever other methods might be pursued in order to achieve the object that everybody has in view, and I may mention that these remarks apply practically to every court which I shall mention in the course of this particular debate. Abolition has been suggested of one of the courts of Anantapur and Bellary. I already see heads are shaking vigorously in derogation of that idea. East Tanjore Court, the same; Vellore Court, the same, and the abolition of the Chingleput Court has been proposed by the District Judge himself. So far as sub-courts are concerned, Berhampur court is to be abolished by the summer recess of 1923; Vizagapatam court has already been abolished with effect from 1st March 1923; Bellary, to be abolished from 1st April 1923. As regards the Nellore Additional Court, Mr. A. S. Krishna Rao has been for some time pertinacious on that matter. He made his statement last year in the debates of this Council, and he has repeated it with vigour this time also, that that court has no reason to exist. Then, Panruti or one court in Chittoor and North Arcot, and one temporary court in the Kistna district. These are the proposals for abolition.

“On the other hand, the following are the proposals for addition. In their letter, dated October 1922, the High Court recommended the establishment of nine Sub-Courts for the districts of Ramnad (2), Kistna (2), Tanjore West (2), Trichinopoly (1), and Tinnevely (2), and Munsifs' Courts at Ramnad, Vizagapatam, Trichinopoly, North Malabar and Coimbatore. In addition to these, the Anantapur Bar and the people of Anantapur want immediately a District Munsif's Court at the headquarters of that district and expression has been given to that idea in the debates during the general discussion on the Budget. Similar requests have emanated from Tinnevely, Salem, South Malabar and Godavari.

“The reason why I am mentioning these circumstances is for the purpose of showing that there is a considerable scope for investigation about the abolition of the various courts and about the strengthening of the judiciary in certain districts so as to reduce pendency of cases. There is a tremendous amount of pendency, and there is a great accumulation of cases over one year old and of arrears in regard to appeals. I do not want to try the patience of this House by taking hon. Members through the various figures which I have already referred to. But the Government are satisfied that in certain localities the pendency ought to be diminished in order to enable the Sub-Judges and the District Munsifs to get into touch with their current work and not be overweighted or have criticisms passed upon them in view to their dilatoriness

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so far as the current work is concerned because of the tremendous burden of pending cases. Those are the directions in which proposals have to be made. I think it will be necessary to effect a thorough examination of all these courts to effect the necessary re-distribution of jurisdiction, in consultation with the High Court whose voice in this matter is entitled to great respect, and finally to come to a conclusion so that the arrears may be reduced.

“Now, we were treated yesterday to a very instructive statement from my hon. friend, Mr. Arpudaswami Udayar, who quoted statistics from a report of 1921 for the purpose of showing that the file is going down. It may be so. But if I may presume—and I do presume it because I have been trained in the Bar and my hon. friend has not been—the question of the institution of suits is a very different thing from the question of pendency. Institution may dwindle into small dimensions, but suits over one year old will be there and they have to be wiped off. Therefore, the somewhat superficial process adopted by my hon. friend of referring to the figures of 1921 showing that these arrears are going down because institutions are going down, is a fallacious trend of reasoning.

“Having said that, I would come back to the subject of the motion. If hon. Members have seen exactly what I was referring to, they will see that there is absolutely no call for the reduction of the grant by a lakh of rupees as proposed by my hon. friend, Mr. Arpudaswami Udayar. It is possible perhaps to effect retrenchment, but it is impossible to say how and when it should be. An attempt will be made not to overweight the Courts. Sincere attempts will be made not to introduce a Court where it is unnecessary; but, on the other hand, the fact will be kept in mind that wherever arrears have to be reduced—and they are considerable—courts will be introduced.”

The hon. the PRESIDENT:—“Probably, Mr. Kesava Pillai would like to speak on the Anantapur court?”

Diwan Bahadur P. KESAVA PILLAI:—“Yes, Sir, we want a court very badly not only for the sake of not allowing arrears to accumulate, but for the convenience of suitors who are poor. If the court is to be removed from there, Sir, it will cause enormous loss and inconvenience to the people of Anantapur. A large number of *mahazars* have been sent to the hon. Member requesting that the Court might be restored in that district.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—“Sir, I think the hon. Member's statement must be regarded as satisfactory so far as it goes. But I should like to bring to his notice some circumstances why people should clamour for the continuance of courts once established. My hon. friend is aware that once a temporary court is established at some station, other than stations at which courts are already in existence, interests grow up round that place and they begin to clamour that those courts which are once established should not be taken away from those localities. It is, therefore, necessary, Sir, that in the location of these temporary courts, Government should not really encourage people to demand those courts which at one time or other were found to be necessary. I am particularly anxious to bring this to the notice of the hon. Member with reference to the proposals for the establishment of additional courts which have been already approved by this Council—the nine temporary sub-courts and a number of munsif's courts. I should think, Sir, that these proposals might as well have been published earlier for the information of this Council.

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“My hon. friend has referred to the report of a very influential and representative committee, and if that report had been placed in our hands much earlier—my hon. friend now proposes to publish it after the debate is over—it would have been certainly a much more satisfactory way of discussing this very vexed question of doing current work and clearing the arrears. It is certainly very desirable that we must have that report as early as possible.

“Another question that I should like to bring to his notice is that while it is easy to establish additional courts, because there are judicial officers who will desire to get a footing as temporary munsifs or sub-judges, there is not the same facility for expanding the Bar in order to attend to these additional courts. My hon. friend will take for example the Kistna district. We have now four sub-courts: one at Masulipatam, one at Bezwada, one at Ellore, and one at Narasaraopet, and the hon. the Law Member now proposes to have two other courts. I would like to ask him whether the Government considers that it would not be the same number of pleaders who would deal with the same amount of litigation. I think the result of this will be that much time will be lost, and the judges will have to wait for the clients and for the pleaders. So, in the interests of the clients, the establishment of temporary courts should be viewed from another standpoint. This has to be viewed not necessarily from the point of view of arrears but of serving the public efficiently and seeing that facilities are afforded for securing a good Bar. I contend that it is not so easy to expand the Bar as it is to expand the services.”

Diwan Bahadur P. KESAVA PILLAI:—“The Bar is expanding itself.” (laughter).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—“My hon. friend is aware that even to the expansion of the Bar there are limitations. They cannot be manufactured in a day. They will have first to study for Law and pass their examinations. Then they will have to get enrolled as pleaders, etc. These are processes which take time. My hon. friend, Mr. C. P. Ramaswami Ayyar, might establish a court to-morrow, but I do not think my hon. friend will suggest that the Bar should be immediately created and the High Court should immediately enrol a number of men.”

Diwan Bahadur P. KESAVA PILLAI:—“There are a number of briefless pleaders suffering who will be very glad to flock to all places for practice.” (loud laughter).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—“Sir, I am very glad my hon. friend is advocating the cause of the briefless pleaders. But unfortunately the briefless pleaders stick to the places where they have not got the confidence of the clients. They simply go and sit in the court. These are matters to which I need not refer now. Therefore what I submit is whatever may be the result of the Re-organization Committee's proposals, so far as the Kistna district is concerned, we should see whether something cannot be done towards the re-adjustment of the jurisdiction of these courts and the transference of the cases from the courts which are already congested to the courts which are not so congested. I am particularly anxious to bring this to the notice of the hon. the Law Member, viz., that, it seems to me, from the information that I have, that nobody has asked for any temporary court in my district, and that it is the High Court, in its anxiety to get rid of the arrears, that has suggested it. But there are considerations outside.

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However, while I am at one entirely in seeing that these judicial officers reach their current work as early as possible, it seems to me that this policy of establishing temporary courts, and more especially their location, will have to be very carefully considered. The one question of location of a court has been the cause of some amount of controversy for the last one year, and the result is that one of the courts in Ellore was taken to another place much to the inconvenience, I will not say of the Bar, but certainly of everybody concerned, and I do not think that by the removal of that court to Narasaraopet, any further reduction in litigation has been effected. As a matter of fact it is quite the other way. I do not wish to say anything further. I should think that although my hon. friend is anxious for the establishment of these nine sub-courts and temporary munsifs' courts, he would take care not to establish them before subjecting the matter to further scrutiny. I think he would do very well to publish these proposals and obtain local opinion as far as he can."

MR. R. SRINIVASA AYYANGAR :—"Mr. President, my only justification to speak on this motion is the fact of my having received a telegram from my station, Cuddalore, about the proposal that one of the munsifs' courts should be abolished. It was put in my hands only a few minutes before. Hon. Members may probably be aware that the hon. the Law Member told us that there was a proposal, so far as the South Arcot district was concerned, to do away with either the Panruti or the Gingee Court."

THE HON. THE PRESIDENT :—"I thought we are dealing with Civil and Sessions Courts at present. The motion is to reduce the allotment for Civil and Sessions Courts. Does it include the munsifs' courts?"

MR. R. SRINIVASA AYYANGAR :—"It includes the whole of the allotment for all courts. I know it as a fact that most of the judicial officers in my district are overworked, and there are one or two courts whose files may be said to be far less than the files of other courts; but having regard to the nature of the work and the time taken up by tough suits, it would not be a sound statesmanship to do away with any court. The hon. the Law Member referred to Sir K. Srinivasa Ayyangar's tour in the southern districts. I may mention that in an interview he (Sir K. Srinivasa Ayyangar) asked me whether it was not feasible to do away with one court. I was inclined to fall in with his suggestion if he persisted in it and agreed that one of the courts might be abolished, namely, the Gingee Court which was established two years ago, towards the end of November 1920 and not the Munsif's court of Panruti located in Cuddalore which was constituted in 1899. I was all along under the impression that whenever the idea of reduction was taken up for consideration, the proper course was not to touch the courts that had been existing for a much longer time but to seriously think of doing away with courts that came to be established recently. The hon. Members of this House may be aware that having regard to the nature of the work in Cuddalore some District Judges from time to time, recommended the creation of a court at Panruti with the result that that court came into being in 1899 and was located in Cuddalore, the Bar of which received in course of time reinforcements and recruitments; and now to seriously think of doing away with the Panruti court and to allow its work to fall on other courts is neither politic nor wise. Later on, the Bar sent a lengthy protest to the High Court and the hon. the Law Member quite recently, and I have just received a

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telegram from my constituency to raise my voice of protest in this connexion against any attempt to do away with the Panruti court which is located in the headquarters which has been in existence for a quarter of a century. I appeal to the hon. the Law Member in the fervent hope that he will safeguard the interests of the Bar which is nearly 75 strong and not inflict on it unmerited hardship."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I am in entire agreement with the hon. the Law Member with reference to his anxiety to clear up the arrears. But it seems to me that arrangements are made in such a haphazard way that there is a lot of grievance and also inconvenience felt. Sir, as soon as some court has got a few suits in arrears, the establishment of an additional court is proposed by the District Judge without any consideration as to whether the same work may be disposed of by means of redistribution of work among the several courts already existing and without considering what would be the best method of giving relief if relief, even temporary, is necessary. For instance, in my own district, we have several munsifs' courts, some of them have light work; whereas there are one or two courts which have got very heavy work and are not able to cope with it. Probably a redistribution of the jurisdiction of the several courts will make it unnecessary for an additional court to work in that district. At present, there is an additional court in Coimbatore for the disposal of arrears. This court can be abolished by a redistribution of the jurisdiction of the courts.

"Sir, there is another thing to be considered. Yesterday, there was a proposal to retain the provision made for an Additional Sessions Court at Coimbatore. Sir, what happens is this. The moment there are in a month a few cases more than what the District Judge can dispose of in that month he makes a reference to the High Court; the High Court recommends to the Government and the Government sanctions an additional court. We have had an additional court for half the time during the last several years. Here, also, probably, if a sub-judge is given more sessions power than what he has got now, and if the District Judge himself is asked to do more of the criminal work and less of the so-called civil work of which statistics are furnished from time to time to the High Court and to the Government, and if a little bit of touring is curtailed, there will be no necessity for additional sessions court. I should not be understood to mean that the touring does us no good. As a matter of fact we want some sort of inspection of the courts and the inspection should be carried in an efficient way in order to better the administration of justice. But what is probably in evidence in some districts is that almost once or twice in a month the District Judge finds time to go and inspect a court. He spends two or three days outside his headquarters and comes back. The net result of the inspection is not very much in evidence. That is a point also which has to be considered. It will also lead to some economy.

"Then there is another thing which has to be considered. It may be that in a certain district a munsif or a judge requires help. What is done is, they sanction one additional sessions court, one sub-court and one munsif's court to clear off the arrears. It seems to be a very wasteful arrangement. If, for instance, an additional sub-judge appointed in one place is given small-cause jurisdiction or assistant sessions power he will probably be able to give relief to all the three courts. Instead of doing that they straightway

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sanction three courts with the result that we are saddled with the expenditure of these three courts. The natural tendency is, when an additional court is sanctioned, to ask for its permanence. So, instead of one court being made permanent, ultimately three will be made permanent which will add to the permanent expenditure.

"Then there is another thing which I would suggest for giving relief where necessary to these judicial officers. When it is found necessary to give relief to a Subordinate Judge in Trichinopoly and a Subordinate Judge in Coimbatore, the best course would be to appoint one more judge, and locate him at Erode and give him jurisdiction over four or five taluks, two or three in Trichinopoly and two or three in Coimbatore. If this is done, he will be in a position to give relief to both the districts and this will avoid the necessity for two sub-judges, one at Coimbatore and another at Trichinopoly. This arrangement will save the cost of one court.

"These are the several ways by which the cost of the administration of civil justice might be reduced, and they are matters which
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I think require very careful consideration. Probably, if the hon. the Law Member, with a small committee of people who know the various localities, can sit here for a few days and consider the whole matter, a more satisfactory arrangement of the working of these courts can be brought about than that which is obtaining at present. I would therefore request the hon. the Law Member to consider all these matters and see that charges under this head are considerably reduced."

The RAJA OF RAMNAD :—"Sir, though I am not a lawyer, I am one of the biggest litigants (laughter), and that, again is not of my seeking—I desire to say a few words so that the point I wish to place before the House may be considered by the hon. the Law Member. In my experience, I find that the accumulation of work is the result of not posting a suitable officer to a certain court according to the nature and amount of work that is involved in that court. There may be some courts where the work is very heavy, while in others the work may be light. A senior judge is posted to a small court, while a probationer is posted to one of the biggest courts. This, I think, results in accumulation of work. If only the posting is done keeping in view the amount of work involved in the courts concerned I think a lot of accumulation will be cleared.

"There is one other matter which I wish to refer to and that is the work in the District Courts. The District Judge is trying sessions cases almost throughout the year, and all rent appeals that come before him remain in arrears. As law stands at present, he cannot transfer rent appeals to the subordinate judge, but must himself dispose of them; and because he is not given additional sessions judges or assistant sessions judges, he has to attend to the sessions work throughout the year, and all the rent appeals fall in considerable arrears. The House will realize what the effect of these arrears would be on the zamindars, and I need not dilate on them now. I would therefore suggest to the hon. the Law Member that the law be amended in such a way as to give powers to subordinate judges to hear and decide rent appeals and I think this will be one of the ways of relieving congestion in district courts."

Mr. B. MUNISWAMI NAYUDU :—"I only wish to bring to the notice of the hon. the Law Member one or two points. Chittoor and North Arcot

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were till recently combined in one judicial division. For the last two years, we have one District Court in Chittoor and another in Vellore. I understood the hon. the Law Member to say that there is a proposal to abolish one of the District Courts. I may state that neither the Bar Association of Chittoor nor of Vellore is in favour of amalgamation of these two courts into one. If there is any such proposal, I submit, the question of language difficulty will have to be considered. Vellore is purely a Tamil district, and Chittoor a Telugu district. Having regard to this difference in language, when the hon. Sir K. Srinivasa Ayyangar last visited Chittoor and Vellore, and when the proposal of amalgamation was discussed, there was practically a consensus of opinion put forward before him that one of the sub-courts might be done away with and that the two district courts should be retained. There was also a proposal put forward of excluding from the jurisdiction of the District Court of Vellore certain portions of that district and of tacking them on to Chittoor so that the work might be equalized. I may mention here that there are certain portions of Vellore district which are purely Telugu speaking parts like Kangundi zamindari and Gudiyattam taluk. These should be tacked on to Chittoor. It is very difficult for Telugu litigants to make themselves understood to the Tamil vakils of Vellore district. It is also much more difficult to get all the documents translated so that these vakils may argue their cases satisfactorily; and even if the documents are translated, the vakils do not enter into the spirit of these documents, as they would do if they were Telugu-knowing gentlemen. Therefore, it is highly necessary—both from the point of view that a re-arrangement of the districts would accelerate the pace of dividing the province on a linguistic basis, and also from the point of view that the bulk of the clients are put to serious difficulties owing to the fact that the vakils do not know the language which the clients know—that there should a redistribution of jurisdictions in these courts. I may also point out that there are similar taluks in the Chingleput district which speak purely Telugu. For instance a portion of Kalahasti zamindari speaks purely Telugu, and I tabled a motion some time ago to the effect that that portion might be tacked on to Chittoor, so that there might be no difficulty on the ground of language.

“Before I close, may I request the hon. the Law Member that the views of the members of the Chittoor Bar may be heard before final orders are passed by the Government, although no doubt the High Court is entitled to the final voice in the matter?”

Rai Bahadur T. M. NARASIMHACHARLU:—“Mr. President, Sir, with reference to this question of arrears, it seems to me that there is one particular point which has struck several people but which has not been noticed by the Government, and that is, of late, the Bar has been considerably gaining in strength, not only in quantity, but also in quality, and that litigation is getting more and more intricate on account of the knowledge which the people have been gaining even in point of law. Compared to this, the strength of the Bench in quality is very weak. There was a time when district munsifs' appointments were offered to efficient persons, not only of the High Court, but also of the mufassal. Somehow or other, the gentlemen that were appointed in the past were able to grasp the real point of the cases and to dispose of them quickly. Subsequently, however, that policy was changed; and on account of the great competition among the briefless

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lawyers, and the influence that they are able to command, at the present time the munsifs are being selected from a list prepared by the High Court with the result that these gentlemen, though they are anxious to become munsifs, are generally, with notable exceptions, unable to cope with their work with the Bar and with the litigant public. The result is that whenever they take up cases if they find difficulties in them, they simply lay them aside and they accumulate as arrears. They take up particular cases which are less intricate such as ex-parte cases, and cases where there is a show of contest, and dispose of them. I think, Sir, this point must be carefully considered by the Government, namely that of reverting to the old policy of offering appointments to men who have sufficient experience and who have established their reputation in the Bar. Especially in these days, we can have plenty of men with such qualifications because the prospects of munsifs are now very good. In olden days, munsifs were started on a salary of Rs. 100 and subsequently they were given Rs. 200. Now they are started with an initial salary of Rs. 300 and their prospects are very good, because they can hope to rise up to the position of a High Court Judge. Therefore, I submit that the policy of appointing influential men to the Bench should be abandoned and that the policy of recruiting good, honest and efficient men from the Bar should be resorted to. If this is done, we can get rid of the arrears in no time. If the Munsif is an efficient man, when he looks into the case he will find out what is the real point in the case. Now, the munsif is bewildered when issues after issues are being suggested by the Bar. They do not know whether the issues raised by the Bar arise in a particular case or not. So, even issues are delayed without being settled promptly. I hope this suggestion will be kindly considered by the Government and that efficient and qualified men will be selected for munsifs' posts.

"Another thing which is more or less of a personal nature I wish to say is this: Mr. Muniswami Nayudu said that the jurisdiction of Chittoor was not large. I say that, in order to accommodate Chittoor, let nothing be taken away from Cuddapah. Cuddapah has already suffered. Madanapalle, Vayalpad and Kadiri have been taken away. They were healthy resorts for the Malaria stricken Cuddapah. Therefore, let there be no dismemberment of the district either as regards territorial limits or jurisdiction of courts."

Mr. M. SURYANARAYANA:—"Much has been said in regard to the administration of Civil Justice. Several suggestions have been made for the purpose of coping with the arrears. I would submit for the consideration of the hon. the Law Member a few suggestions. Some time ago it was decided that the village munsif courts and the panchayat courts, which were in the jurisdiction of munsifs' courts, could hear and decide cases of a value of Rs. 50 and, with the consent of parties, cases of a maximum value of Rs. 100. All the same we know, as a matter of fact, that there are a large number of cases, whose value is Rs. 50, still disposed of in district munsifs' courts. I want to know why it cannot be laid down that all suits below Rs. 50 shall be filed in panchayat courts and that wherever such courts are not in existence, they should be filed in munsifs' courts. I am suggesting this method in order to tackle the question of arrears. May I also suggest that the Government should consider whether the pecuniary jurisdiction of the munsifs' courts cannot be raised from Rs. 3,000 to Rs. 5,000.

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[Mr. M. Suryanarayana]

“ Another suggestion is that the district munsifs who are at present vested with powers of trying small causes up to Rs. 100 must also be given powers to try small causes up to Rs. 300. “ For we know that the
 11-45 a.m. next year and the year after next when he becomes a Subordinate Judge a district munsif would be able to try small-cause suits of the value of Rs. 500. There is no reason why he should not be vested with small cause jurisdiction to the extent of Rs. 300 and allowed to try suits of that nature and posted to a place where there is heavy work. The hon. the Law Member will remember that so far as the appeal work is concerned, about 70 per cent of the appeals are being confirmed. I believe also that a large number of appeals are appeals against money suits. As a matter of fact the majority of the decisions of the district munsifs' courts are on questions of fact and at least 50 per cent of them are confirmed in the sub-courts. I should think that the real manner in which you can tackle with the arrears is by investing the courts with higher jurisdiction. I do not think it is a good policy to reduce the number of courts where there is a real necessity for them and if there are arrears outstanding in munsifs' courts or in the appellate courts my hon. friends who belong to the legal profession will excuse me if I say that we contribute for part of those arrears. There is no reason why you should find fault with the munsifs or the subordinate judges for the large arrears that are outstanding now. I submit, Sir, that the real manner in which these arrears ought to be tackled is not to refuse sub-courts and munsifs' courts where they are necessary. One matter to which I should like to earnestly draw the attention of the hon. the Law Member is that these additional courts are situated in the same area with the result that half a dozen vakils who have the largest practice naturally monopolise the practice and appear in the munsifs' courts, the sub-courts and the district court. If the subordinate judge's court is located in another place it is quite possible that a number of vakils will go to such places and stick up there instead of being able to be absent in each court in the event of all the courts stationed at a particular place.”

Rao Bahadur T. BALAJI RAO NAYUDU :—“ Sir, though I have not got to say much either in favour of the abolition or the appointment of temporary courts, I want to mention a few facts. There seems to be an impression in the minds of laymen, who are not vakils, that the average munsif or the subordinate judge is not doing his work as the officers of olden times. My practical experience is that the old officers were devoting their time in the out-of-office hours both in the nights and the mornings in writing judgments. Now the subordinate judges are not doing much work at home. There are some who do not do any work in the mornings. They may be cleverer people no doubt. But I do not think they are devoting as much time as the older people were doing. In regard to other points which were given out by Mr. Suryanarayana about collecting courts in one place and so on, I quite agree with him and I do not wish to traverse on the same ground again. Instead of having additional courts to clear off arrears why not the Government think of appointing additional sub-judges and district munsifs without establishments and regular courts, keep them at the disposal of the district judge, who can send them over to courts where there are arrears to dispose of those arrears. By that means there will be no establishment charges and no new courts. If there is any district in which there is a lot of arrears Government can appoint two additional munsifs. Let the new officers take up suits of one year's standing

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and let the existing officers attend to the new and routine works. This arrangement I suppose would reduce the arrears quicker than by having additional courts which are likely to be made permanent in course of time."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I doubt if within the time allotted to me I shall be able to deal with all or even a considerable portion of the valuable suggestions that have emanated from the hon. Members who have spoken on this question. But I shall endeavour to do so to the best of my ability.

"I shall first deal with what my hon. friend, Mr. Ramachandra Rao, referred to. He stated that there was a tendency for these temporary courts to become permanent, because vested interests begin to grow up. While not denying the possibility of such a contingency, when a court is established for a specific purpose and only for a definite period such as a year, as is contemplated now, I submit that the mischief that is sought to be averted will not really take place. Then, Sir, Mr. Ramachandra Rao referred to certain courts and their files. I shall very carefully consider the suggestions as to the absence of any necessity for additional establishments in the Kistna district. He seemed to suggest that any additional courts in the places in which they are sought to be situated are unnecessary. Figures before me do not quite justify the statement; but certainly the matter will be investigated.

"I now turn to Mr. Srinivasa Ayyangar. I quite sympathise with him. I have myself got a telegram placed in my hands just now, practically simultaneously with Mr. R. Srinivasa Ayyangar. I have figures with me and I shall be glad to supply them to him so as to come to a decision and advice the Government as to what is to be done."

Mr. R. SRINIVASA AYYANGAR :—" I know the figures myself."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" That lightens my task.

"Mr. T. A. Ramalinga Chettiyar spoke of a possible redistribution. That matter will undoubtedly be seriously considered by the Government. As a matter of fact they feel that at the present moment there are a certain number of courts which are not doing very much work while other courts are overworked. At the same time, I think that Mr. Balaji Rao Nayudu, in common with Mr. Somasundaram Pillai whom I do not see to-day, seems to labour under a misapprehension as to the actual work turned out by these hard-worked subordinate judicial officers. At all events, the Government are not aware of the individuals who go without work in the morning, come to the court to go back at 1 o'clock and loaf about in the clubs during evenings. It must be a state of things comparatively rare. As to the suggestion about Erode, Sir, of Mr. Ramalinga Chettiyar, I may mention that that specific matter has been engaging the attention of Government. It seems *prima facie* correct to say that if there are five courts in the western corner of the district the eastern corner will not be served adequately.

"The Raja of Ramnad insisted upon suitable officers being posted in suitable places. That is a matter undoubtedly beyond dispute. But there is the difficulty of laying down a hard and fast rule. Of course the High Court will bear this in mind and wherever it is possible for the Government to do anything in the matter they will endeavour to do so.

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“ Mr. Muniswami Nayudu spoke of there being no necessity for the amalgamation, and he further suggested that possibly the elimination of one sub-court may be sufficient. That is a matter which also is under the consideration of the Government. There is one remark which is really unnecessary for me to answer. But it seems to me that Mr. Muniswami Nayudu laid too much stress on the linguistic difficulties. I may mention that the speaker who addresses the House now had to conduct a case where there were three thousand documents in Malayalam and he went on quite without any difficulty.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ The hon. Member is a master of many languages.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Not of Malayalam. The suggestion as to the place being selected in these matters is a valuable one. It may be that there is a great deal of force in this contention that the local public and members of the Bar ought to have a voice, at all events ought to be heard before final arrangements are made either for the abolition or introduction of courts. The attention of Government will be paid to it and efforts will be made to give to the Bar the right to be heard.

“ Then, Sir, Mr. Narasimhacharlu raised a very large question about inferior recruitments in recent times. I think he forgot that the recruitment of the district munsifs is in the hands of the High Court. He asked that the very eminent individuals peculiarly fitted to make this recruitment should consider this matter and I am sure that the remarks which fell from Mr. Narasimhacharlu will be considered by them.

“ Mr. Suryanarayana made certain remarks which I am not prepared to answer off-hand. There are two sides to that question and it seems to me that I cannot possibly give an answer off-hand to the various suggestions.

“ That is all that I desire to say, Mr. President, and I suppose that this matter will not be pressed.”

The motion was by leave withdrawn.

Demand XI. Civil Justice—for 47.19 lakhs minus the reduction already made was put and carried and the grant was made.

DEMAND XII—CRIMINAL JUSTICE.

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, I beg to move Demand No. XII. Criminal Justice for a grant not exceeding 8.13 lakhs.”

MOTION No. 121.

Rao Bahadur T. BALAJI RAO NAYUDU :—“ I beg to move—

To omit the allotment of Rs. 2,400 for the special pay to the Chief Presidency Magistrate.

This is one of those items relating to allowances. Some motions were brought in in this Council last year that officers doing duty in Madras should not have anything extra. Ordinarily speaking the work of the Presidency Magistrate of Madras is lighter than that of the magistrates in the mufassal. That being so, the policy adopted in this House is that such an allowance should be abolished. Therefore I have brought in this motion.”

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, the payment of duty allowance of Rs. 200 per mensem to the Chief Presidency Magistrate has been discontinued. I may mention that by an unfortunate mistake, the order making the reduction was not communicated to the present incumbent and therefore the amount has been inserted in the budget. The present incumbent will have to get this allowance up to the end of March and from the 1st of April he will not get any allowance. I, therefore, accept this motion."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Sir, I believe the facts are not fully stated by the hon. the Law Member. Some important facts came to our knowledge as members of the Public Accounts Committee to whom reappropriation statements were circulated. I do not know if, at this stage, I am entitled to refer to those facts. If it is not against etiquette, I will refer to one particular matter. It seems that the question of this duty allowance was referred to the Secretary of State and that he disallowed it long ago. But the papers were simply recorded by the Government. They did not communicate the order to the Chief Presidency Magistrate. Therefore, the question arises as to the allowance that has already been drawn by him. Anyhow, I do not think there is any justification, when the Secretary of State himself has ordered it, to continue the allowance for even one or two months."

The motion was put and carried. The omission was made.

MOTION No. 122.

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I move—

To reduce the allotment of Rs. 79,639 for Presidency Magistrates' courts by Rs. 100.

Sir, I just move this for eliciting some information about the policy with regard to Honorary Magistrates which may have some bearing on this question of allotment for Presidency Magistrates. I suppose it is admitted by all people including the hon. the Law Member that the Honorary Presidency Magistrates have been doing very good work. If that is so, there is no reason why their power should not be extended beyond what it is at present. They are at present disposing of only minor cases such as the nuisance cases, etc., probably with slight exceptions. Most of these Honorary Presidency Magistrates are experienced people having a good deal of knowledge of the work and certainly, therefore, more responsible work can be safely entrusted to them. If that is done, there will be certainly some reduction in the number of paid Presidency Magistrates. It is with a view to elicit information about this point from the hon. the Law Member, to know what his own view on the matter is, that I gave notice of this motion. No doubt, he will say that he will carefully and sympathetically consider this matter as he generally says in all such matters. I request him to see whether the number of the paid magistrates cannot be reduced. The sooner this is done, the better."

Mr. T. ARUMAINATHA PILLAI :—" Mr. President, Sir, in speaking on this motion I would bring to the notice of the hon. the Law Member that at present there are three Presidency Magistrates, including the Chief Presidency Magistrate. As at present constituted, all these three are Provincial Service men and I would earnestly request the hon. the Law Member to

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consider whether, as is done in the case of other courts in this Presidency town, at least a portion of the magistracy cannot be recruited from the Bar. I may say that so far as the Small Cause Court is concerned, a certain proportion goes to the Bar and I hope that a similar principle will be introduced in the case of the Presidency Magistrates also. It is only to bring this matter to the notice of the hon. the Law Member that I rose to speak on this motion."

Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Mr. President, Sir, I strongly protest against the suggestion of my hon. friend, Mr. Arumainatha Pillai, that the posts of Presidency Magistrates should be thrown open to the Bar. The posts of Public Prosecutor, Government Pleader, Advocate-General, etc., are all open to members of the Bar, and I think that these Presidency Magistrates should not be taken from the Bar. These appointments should rightly go to the Deputy Collectors as at present."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, I am afraid I cannot depart from that practice which has been adverted to by my hon. friend Mr. Venkataramana Ayyangar. I can only say on that matter that as a measure of economy it has already been decided that one of the posts of the Presidency Magistrates should be kept vacant. The expansion gradually of the powers of Honorary Magistrates is a matter which has been for some time engaging the attention of the Government."

"So far as the recruitment of the Presidency Magistrates from the Bar is concerned, the divergence of opinion here has shown that it would be inexpedient that I should give any answer."

The motion was by leave withdrawn.

Demand XII. Criminal Justice for 8.13 lakhs minus the sum of Rs. 2,400 was put and carried and the grant was made.

DEMAND XIII—JAILS.

The hon. Mr. A. R. KNAPP :—"Sir, I beg to move for a grant not exceeding 35.81 lakhs of rupees under Demand XIII. Jails."

MOTION No. 123.

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I beg to move--

To reduce the allotment of Rs. 29,36,520 for jails by Rs. 2,00,000.

It is clear that all of us have been under the impression that the expenditure on Jails has been increasing year after year. There has been, no doubt, some exceptional reasons during the last two years on account of Mappilla rebellion and other causes for additional jails and consequently additional expenditure. It was also stated, Sir, at that time that Non-co-operation had also a certain share of this additional expenditure, although many of us did not believe that it had any considerable share. That was put forth as an excuse for the increased expenditure. But now that peace has been restored in Malabar, as a consequence of which grants, both original and supplementary, are being moved in this Council towards remedying the evil effects of the rebellion, it is necessary that some reduction should be made in the expenditure under Jails. I think it will not at all be difficult for the Government, if only they carefully consider the matter, to effect some reasonable reduction.

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“Sir, taking the Malabar question into consideration, we all know that it was an exceptional case when whole communities became mad as it were. Therefore, when normal conditions are restored, we should see that unnecessary prosecutions and retention of prisoners in jails should be put an end to as much as possible. I am not unaware of the fact that the Government themselves have gone far in this matter by giving amnesty, as it were, to many of the people who have not been tried but who might have been liable for trial and by letting them off without any regular trial and without making them undergo any sentence, after taking some undertaking from them. It is necessary, Sir, that a further move in this direction should be made, so that we might not have further trials and further additions to the number of the prisoners. The Government should carefully go into the question whether a large number of the prisoners who have already been sent to jail during the Mappilla rebellion might not be given the amnesty on condition that they should give some undertaking that they would behave properly in future, so that they may go home and live peacefully, so that their people at home, especially those who suffer for want of proper protection and help from the heads of the families and who are actually starving, might not further undergo any difficulties. I want this to be done not by issuing a Government Order that A in a certain jail or B in another jail should be let off. All the people concerned must be released and probably this will be an effective way of remedying the evils of the Malabar rebellion and pacifying the bitter feelings existing between the various communities there. So long as the heads of the families are in jail, so long as their dependents are feeling the pinch of poverty and starvation, so long it is possible to suppose that this feeling of bitterness left by the rebellion will last. Therefore, it is the duty of the Government to see that this feeling is effaced as early as possible. I, therefore, suggest, Sir, that the Government should go into this matter carefully and speedily. This is more important than any other thing. Batches after batches from jail after jail may be sent away after taking proper undertakings from them. It may be urged, Sir, that if this is done, the safety of Malabar will again be in danger. Personally, I do not think so, and my own honest conviction is, as I said before, that the Malabar rebellion was only a temporary aberration and if the original status and position is restored as much as possible, the possibilities of a repetition of such things will be reduced. So much as to the particular subject of Mappilla prisoners. This will be an item under which considerable portion of the additional expenditure under jails may be reduced.

“Another point of great importance I wish to refer to. It concerns the social reform of all ages. I see, Sir, that the Jail report year after year repeats that a very large number of people are being sent to jail for various reasons for periods not more than one month. I appeal to the Government to see whether it is desirable that such things should continue, that is, in the case of offences which have nothing to do with the morality of the persons. A very large number of people who have the misfortune of being charged for minor offences—say abkari, salt and other cases—are sent to jail for periods of less than a month simply for the purpose of pleasing a particular official who takes it into his head to charge these persons. I believe that the number of such cases will be on the average about six or seven thousands every year. Sir, we must consider what great harm is likely to be done to the people who are sent to jails for such offences.

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"People who are respectable members of society are sent to jail for petty offences and sentenced to small terms of imprisonment. 12-15 p.m. There they mix with the habitual offenders, and by their contact they become demoralised, and when they come out of the jail, not only have they suffered in character but they also infect the society at large. It is therefore absolutely necessary that the Government should consider this question of short term imprisonment of one month and under from the point of view I have mentioned. I think it is desirable that the Government should issue a notice that as far as possible magistrates should discontinue the practice of sending people to jail for very short terms. I know there will be the difficulty as to, so far as magistrates are concerned, whether they could be dictated to in this way. Even otherwise, Government have got ample powers to say that people who are clapped in jail for small terms of imprisonment not exceeding one month may save under exceptional circumstances be released as soon as they enter the jail, if necessary, after signing some bond or giving some undertaking. When I go through the reports of the several years, I find that a large number of people are sent to jail for a few days of imprisonment only. I feel that in the interests of the criminals themselves, in the interests of society and in the interests of Government such a thing should be put an end to. It would also reduce expenditure under jails to a considerable extent. These are the points that I would respectfully urge on the attention of the Government. So far as the Jail Department is concerned, the 2 lakhs would count nothing, if some of the suggestions that have been made by me are accepted, and a large number of prisoners may be released without any danger to public safety in any part of the Presidency."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I had no intention whatever to intervene in this debate, but certain remarks which fell from my hon. friend, Mr. Venkataramana Ayyangar, regarding the Malabar prisoners have induced me to say a few words. The Government have already released some Mappilla prisoners under certain conditions. Whether it was wise or unwise it is not for us to say now. The act has been done, so that I do not wish to say anything now about the order of the Government. I believe that at the time of the budget discussion last year I raised my voice against that policy, and even before the budget discussion commenced, the order had been passed and given effect to in part. What my hon. friend suggests is to release these Mappilla prisoners 'speedily' and 'in batches after batches' (I am using his expression) from the many jails where they are confined. I wish my friend had taken his abode in Ernad or Walluvanad, for, then, he would not certainly have made those remarks. Even now, when these Mappillas who had done terrible wrong to the people of those localities are actually shut up in jail, the people, when they think of the consequences which may ensue after their release, are unable to sleep during nights. There will be terrible consequences if even before their terms are over these people are released speedily and in batches after batches. So, I raise my very strong protest against the remarks that have fallen from my friend. And I am sure from the expressions that fell from my hon. friend Mr. Knapp that Government will not in any way accept the mischievous suggestion of my friend, Mr. Venkataramana Ayyangar."

SAIYID MUHAMMAD PADSHA SAHIB Bahadur:—"Sir, I have not been able to see the justification which my hon. friend, the last speaker, had in

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protesting against the wholesome advice given by my friend, the mover of this motion. Hon. members of this House are aware that a batch of Mappilla prisoners was released on giving some undertaking or without it for the purpose of relieving the congestion in jails or for similar reasons. When these prisoners were released 3 or 4 months back. . . .”

The hon. Mr. A. R. KNAPP :—“ May I ask whether the hon. Member suggests that the reason for releasing the Mappilla prisoners was to relieve the congestion in jails ? ”

SAIYID MUHAMMAD PADSHA SAHIB Bahadur :—“ I have qualified my statement by saying ‘ or for some reason or other.’ There may have been some other reasons which the Government have not considered it expedient to divulge to the public. This is all I can conjecture from the fact that these prisoners who had long terms of imprisonment still to undergo had been released all at once. It may be on account of congestion or some other reason which is not disclosed to us. But it is an admitted fact that several months ago they were released. My hon. friend, Mr. Krishnan Nayar, had opposed the release of further prisoners from jails and said that the Government would not be well advised in accepting the advice given by the hon. the mover of this motion. If the hon. Mr. Krishnan Nayar had only taken the trouble to give us any instance in which the prisoners who had been released had misbehaved or in any way proved themselves as dangerous to society, I can understand his position. All he said was that the very idea was so alarming and so frightening that some of the people in his district were deprived of their sleep. I ask whether their fears have proved true in any case and whether after these mischievous prisoners had been released from jail they had again done anything which could give us any justification to say that there should be no more of such release and that these people should be kept in jail to rot there till the whole term of their imprisonment expired. People who are acquainted with the penal law that is in vogue in this country know that all the punishments that are prescribed under that law are not with a view to wreak vengeance on the people who have done wrong but only with a view to deter them from committing crimes in future. So that the idea at the back of the legislature was that by making these criminals undergo some sort of penal servitude they would be giving them an opportunity to rue for their misconduct and correct themselves so that they may turn a new leaf when they go out of the house of correction ; it was not out of any grudge for what these people might have done in a moment of weakness, but with a view to see that these crimes do not recur that they are kept in jail. I am a non-official visitor to the jails in Bellary where most of these Mappilla prisoners are kept. I have made enquiries there whether any steps were being taken to educate these people and disabuse their minds of the misconception, that the Government of this country is anything but a tolerant sort of Government. I wanted to know whether there was any such agency as can try to give them a correct idea of the things about them and remove misapprehensions. If any mischievous people succeeded in rousing these men against the Government, they were only successful on account of this fact, that the people are illiterate, they are fanatic and they are apt to be misled by anybody who tells them that their religion is not safe and that their liberty may be curtailed at any moment. If only the people in Malabar were taken out of the ignorance in which they are now steeped, if only they were made to know what is happening in

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the world about them, if only they were made to realise that the Government they are living under is striving its best to try and see that everybody is allowed to have his own way in observing his religion, if only all these misconceptions entertained on account of ignorance were removed from the minds of these unhappy and illiterate lot of people living in God-forsaken places such as Malabar and the Agency much of the present troubles would be removed and all these rebellions would not have happened.

"Just one word, Sir, and I shall sit down. I should like to submit to the House that if the Government were considerate enough to try and give effect to the sound advice given by the hon. the mover, they would be doing nothing new. This is a thing which has been done in by the Government in many parts of India. The United Provinces has recently released a number of its political prisoners. The Legislative Council of Behar and Orissa has also passed a resolution to the same effect. Even the Under Secretary, Earl Winterton, when he was questioned about the order passed by the United Provinces Government said in so many words that the policy of amnesty, which was referred to here by my friend Mr. Venkata-ramana Ayyangar, was a policy which was long existing in the country and that the order of release which was given by the United Provinces Government was not anything very new, but it was merely a continuation of the policy which was already established in the provinces. Therefore, if the Government act upon the advice of my hon. friend the mover, they will be only following the very noble precedent set by the United and other Provinces in India."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, the question raised in this motion deserves serious consideration at the hands of the Council. There is one fact prominently brought to us, namely, that the expenditure on jails has been on the increase. The budget estimate for 1922-23 under this head is 26.21 lakhs while the revised estimate of the same year is 32.76 lakhs. The budget grant for 1923-24 is 29.36 lakhs. From this it is clear that the expenditure for the current year has gone up by nearly nine lakhs when compared with the actuals for 1921-22 which have come to 22.41 lakhs. It may be said that the increase in the expenditure was due to the Malabar prisoners. If I remember right, in answer to one of my questions it was said that the number of those prisoners was about 5,000 in October last. It has already been stated that the idea of setting some of these prisoners free on certain conditions such as payment of fine was adopted by the Government. My hon. friend, Mr. Krishnan Nayar, manifested a great anxiety on his part and on behalf of the Hindu community of Malabar. His anxiety seems to be that the Mappillas shall not be allowed to go and live in peace in the neighbourhood of the Hindu community. That is how I understood him."

Diwan Bahadur M. KRISHNAN NAYAR :—" I wish to offer a word of personal explanation, Sir. My hon. friend is unconsciously attributing to me a statement that I never made."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I never said, Sir, that it was his statement. That was how I understood him and I am glad that now corrects me and removes my misapprehension. At least my hon. he friend insists that these Mappilla prisoners shall not be let at liberty very soon. We, Members of this Council, are at liberty to draw our own

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inferences from a broad statement like that. The inference which I drew from such a statement was the one I previously expressed. I wish I were wrong in that inference and that my hon. friend, Mr. Krishnan Nayar, always wants to live in the immediate neighbourhood of the Mappilla in peace. Sir, my impression is that as long as the representatives of Malabar manifest any anxiety on their part that these prisoners should not be liberated very soon, I think that peace for Malabar is at a distant date. They should live in harmony, try their best to educate their Mappilla brethren of the district and raise them to the level to which the other sections of the district have risen and it is only then that peace is possible. As long as we cultivate this dislike between particular communities, whatever the communities may be, we cannot have peace in this country which is divided by race, by communities, by religions and so many other things. The moment that we begin to realize that every Indian is an Indian and nothing else, the ideal of Swaraj is near at hand. Sir, it has been said by my hon. friend that a batch was released a year ago and he, as one acquainted with the conditions of the district, ought to have mentioned to this Council what his experiences were regarding the released persons. If he has got an impression that they did give trouble and if he gave his experiences to this House, the vote of this House would be influenced thereby. As long as he did not make any statement, we, the Members of the Council, who have no experience of Malabar and who have not been furnished with any information either by the Government or by the representatives of Malabar are justified in presuming that things are going calmly even after the release of these prisoners. When that state of things has come into existence regarding those that have already been released, I believe the Government will be well-advised to pursue a policy of conciliation and try to set at liberty a large section of the Mappilla prisoners and remove this unnecessary expenditure on the general tax-payer and also restore peace between the Hindu and the Mappilla communities of Malabar."

Rai Bahadur T. M. NARASIMHACHARLU :—"It will be seen, Sir, from page 95 of the budget that our budget estimate is more than seven lakhs over the expenditure in 1921-22, and more than three lakhs over the budget estimate of the current year, though no doubt it is less than the revised estimate. My reasons for moving this reduction are shortly these. It will be found from page 96 onwards of the budget estimate that a number of new appointments which are not noted in the column relating to the year 1922-23 are noted in the column for the next year; for example, some temporary clerks, some additional deputy jailors and a jailor, five additional sub-assistant surgeons, two assistant surgeons and so on. I also join my feeble voice to plead for the release of the Mappilla prisoners and also of the non-co-operator prisoners. The Government, I hope, are not bent upon vengeance. The parties are always trying to give vent to their vengeance but the Government always act in the interests of justice and in trying to do justice they must always temper it with mercy. Now, Sir, do the Government really think that the non-co-operators are a set of people who ought always to rot in jails simply because they hold opinions which are not favoured by Government? It is only a difference in views. They never resorted to violence. The punishment that they have suffered is quite ample for the mistake which they have committed in expressing their views against constituted authority. Beyond that to keep them any longer

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in jail would be showing a spirit of vengeance and not a spirit of justice. Moreover, I submit, Sir, that if they are now released, we will not be setting a new example. We will be simply following the example of some other provinces in India who have done so. At least by so releasing a number of these prisoners we will be effecting a considerable saving in the matter of jails. Again, Sir, with reference to the Mappilla prisoners, the Government have very very generously acted for which the gratitude of the country is due to them, for they have not persecuted several of these persons. They have commuted their imprisonment to fines. I know that all that is entirely due not because there is no room in the jails but to the fact that the Government are actuated by a feeling of mercy towards these deluded people. As Mr. Padsha Sahib observed, they were more misled than anything else. In the case of such people, as Mr. Venkataramana Ayyangar said, conciliation will go a great way towards bringing them to their good sense rather than a spirit of vengeance. I do not at all approve of the remark of my hon. friend, Mr. Krishnan Nayar, that it is a mischievous idea. He is a party to it and therefore he is actuated by a party feeling. We, Sir, are able to take a somewhat detached view of the situation and we are, as impartial advisers, entitled to advise the Government to be merciful to them and to release them from jail or at least to commute their imprisonment into fines in which case we will have more money to be utilized for the purpose for which the hon. Member asked for a grant the other day. Therefore I submit that it is high time that these persons are released in which case we will save a considerable amount of expenditure.

“There is another point which I would respectfully submit for the consideration of the Government. People are no doubt sent to jail and that means depriving them of their liberty. Over and above that, people are compelled to wear a particular kind of dress which the jail discipline enforces upon them and they are asked to eat a particular kind of food whether it is agreeable to their health or not. I think the deprivation of liberty is intended to prevent these people from doing mischief once again as also being a punishment for having committed a crime. Over and above that is it not cruel to inflict upon them this degradation of wearing a particular kind of clothes in a particular way, eating a particular kind of food and that too in a limited quantity with more salt or less, more chillies or less. My suggestion is this, that persons in jails may have their own kind of dress and their own food. If only the Government allow them these they will effect a marvellous reduction in the expenditure—much of what now goes to the contractor and to bad accounts. If some prisoners are allowed to have their own dress, their own diet, a large saving can be effected. Then, Sir, very recently, the Government of India have altered the provision with reference to bail. Hereafter under the new provision many men who are now allowed to rot in jail on account of the cruel provision of law will be saved and there will be very much less under-trial prisoners and consequently there will be very much less expenditure under this head. The Government may also encourage the releasing of prisoners who are first offenders to a larger extent than at present.”

Mr. R. SRINIVASA AYYANGAR :—“Sir, the effect of a similar motion standing against my name is radically different from the one moved by my hon. friend, Mr. Venkataramana Ayyangar. While he seeks to have a cut

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of 2 lakhs, I have tabled a motion for the reduction by a hundred rupees just to focus the attention of the House upon certain important points. It seems to me it may be possible for the Government to accept the motion of my hon. friend, Mr. Venkataramana Ayyangar, because he wants in fact to have the allotment cut down but by 2 lakhs out of a total grant of 30 lakhs. He laid much stress upon the evil resulting from the present system of short-term imprisonments. They do not serve any useful purpose at all. They do not go to improve or better the condition of the criminal—far from it—but they have a most deleterious and demoralising effect upon the persons who are sent to jail. Again, the system goes to swell the item of expenditure on jails, for the man who is sent to jail is maintained at the expense of the State. There is no reason why the magistracy instead of sending these people to jails for short periods should not let them off in a considerably large number of cases with admonitions or with fines.

“Another point that I wish to lay stress upon for the consideration of the House is this. There is one provision in the Code, I think it is to be found in section 562 in the chapter entitled ‘First offenders’. Though that section was brought into the statute book nearly 25 years ago, I do not think any serious attempt has been made to give full play to it and allow the magistrates a discretion with reference to the application of that section. Second-class magistrates are to be specially empowered to exercise the powers mentioned under that section. No doubt first-class magistrates come under the category of persons so empowered. But if we look into the statistics, they disclose a miserable tale. We seldom find second-class magistrates exercising the discretion vested in them under the provisions of section 562. There is always a tendency on the part of the magistrates to clap a man into prison, and there is always considerable hesitation on the part of the Magistrate to avail himself of the privilege vested in him by this section lest the Subdivisional Magistrate or the District Magistrate should come down upon him and entertain his own suspicions. I think that it is high time that executive orders should be issued to the magistrates to be somewhat free in the exercise of these powers so far as this section is concerned and give that section a wide, liberal and humane scope. For, if that is done, in addition to releasing the prisoner or prisoners sentenced to imprisonment for certain offences, there would be a considerable cutting down of the expenditure under this head.

‘As has been remarked by my hon. friend, Mr. Narasimhachari, just now, the provisions relating to bail have undergone a change at the hands of the Legislative Assembly. But as it is, once a prisoner is brought before a magistrate accused of a non-bailable offence, once the occurrence report is put up and the charge sheet is laid before him by a police officer, no matter as to the worthlessness of the materials that may be placed before him for acceptance, there is always a tendency and a disposition on the part of the magistracy to refuse bail. The result is that prisoners rot in jails for days and weeks together, until the High Court is moved at considerable expense with a view to have them let out. Those provisions of the Code—I think sections 494, 495 and 497, but I do not exactly remember and I speak subject to correction—have been recently considerably remodelled and brought into line with the spirit of the times. The effect of the change is that all prisoners should be entitled to bail, except those accused of offences punishable with

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death or transportation for life. Therefore, hereafter when that Act comes into force there will be less under-trial prisoners, which would necessarily mean considerable reduction in the expenditure of maintaining such a class of prisoners. Therefore, I think, all things considered, that it will be possible for the Government to effect economy by issuing necessary instructions to magistrates to abandon the practice of short-term imprisonments, to make a liberal use of the provisions relating to first offenders and thus give practical effect to the feeling that prevails in the House, and I would make an earnest appeal to the hon. the Home Member to give his assent to the proposed reduction."

Mr. T. SIVASANKARAM PILLAI:—"Sir, last year about the month of June or July I had to bring to the notice of the Government two instances where the non-co-operation prisoners were subjected to extraordinary discipline. Both of them were highly educated men of excellent character except that they identified themselves with the non-co-operation movement. They had to choose to enter the jails voluntarily on account of conscientious scruples. They were not found guilty of any offence connected with violence. The complaint was that one of them was asked to grind something like a hundred seers of ragi every day. The complaint with regard to the second was that he was asked to work an oil mill, which beasts of burden are deputed to do elsewhere. When I wrote to the Government bringing the above facts to their notice, I no doubt received a reply from them, but it was not very convincing. The reply did not deny the truth of the complaint conveyed in my letter. But since then, I am thankful that there seems to have been some change in the angle of vision with regard to the treatment of these non-co-operation prisoners. They are being conveyed or transported from place to place in their ordinary clothes, but the complaint remains that they are not allowed the usual facilities with regard to bathing, etc. Some time ago, the Government ordered the supply of regulation towels for these prisoners, but I am told on reliable authority that many of these prisoners are not being given the towels. All the same, I am thankful for small mercies . . ."

The hon. Mr. A. R. KNAPP:—"May I ask, Sir, whether my hon. friend is referring to any particular jail or to jails in general?"

Mr. T. SIVASANKARAM PILLAI:—"I am referring to the Cuddalore jail where one Mr. Vasudevayya, B.A., B.L., High Court Vakil, and the other Mr. Ramanathan, M.A., were imprisoned. It was with regard to the said prisoners I addressed the letter to the Government. With regard to the supply of towels, I am told that it is only in some of the jails that they are not supplied. But, however, I should like to know whether there is any definite policy announced by the Government with regard to the treatment of these non-co-operation prisoners, or if it is left to the predilections of individual superintendents of those jails. If it is the former, I should like the House to know about it, and if it is the latter, I should like to know under what circumstances these jail superintendents exercise their discretion in such matters."

At this stage the hon. the Deputy President called upon the hon. Mr. A. R. Knapp to reply.

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The hon. Mr. A. R. KNAPP :—“There may be other speakers, Sir, who may desire to speak on the motion, and I should like to hear them also.”

Mr. C. RAMALINGA REDDI :—“I thank my hon. friend, Mr. Knapp, for giving me this opportunity of speaking on the motion. I would give my support to the motion of my hon. friend, Mr. Venkataramana Ayyangar, chiefly for financial reasons. The way in which the expenditure on jails has been increasing ought to be noticed by this House, and this House should take every possible step to show to the Government that it is not going to sanction such large expenditure. If hon. Members look at page 95 of the Civil Budget Estimate, they would notice that for the year 1921-22 the total voted expenditure under the Jail Department was about 28½ lakhs, but for the budget this year, in spite of the fact that the non-co-operation movement has practically gone down and is quiescent and there is very little prospect of an agitation on a large scale taking place in the country and various other features, the expenditure is proposed to be increased to nearly Rs. 36 lakhs, that is, an increase of nearly 7½ lakhs. Last year, this House, after going into the matter very carefully, resolved to cut down the estimates by Rs. 2 lakhs. But, far from effecting any retrenchment during the year, the Government spent far more than the original amount. In fact, a series of supplementary demands for grants were made, and the House was not in a position to refuse them. I think, if certain economies were practised, it would have been possible for Government to cut down their expenditure under this head by Rs. 2 lakhs, without in the slightest degree impairing the jail administration. I have already shown that the general situation of the country not only does not warrant this large expenditure now budgeted for, but should make reduction possible in the current year. Now, with reference to the other method of economy proposed, namely, extending the policy now pursued of releasing the Mappilla prisoners, the House has been told that there are apprehensions entertained by the nervous Hindus of Malabar. Now, a new system was adopted, I think, at the instance of my hon. friend Mr. Knapp by which some Mappilla prisoners had their sentences cancelled or reduced in exchange for fines the recovery of which was to be spread over a period of time. I do not think any disturbances have been caused as a result thereof. Recently much has been said about the extraordinary social conditions which are beginning to spread owing to the existence of a very large number of male prisoners, and the position of the maleless Mappilla population has been exploited as a defence for the policy of sending their women to the Andamans. I will have to make my remarks on this subject at a later stage if possible, namely, the question not only of effecting economies but also solving the social problem among the Mappillas. But, unfortunately, it is not possible for me to go fully into this matter to-day. I do hope, in view of the public meeting recently held at Calicut, the Government will, in accordance with the resolution passed at that meeting, pursue not only a policy of clemency but of justice and order a careful revision of the sentences by a competent judicial tribunal.

“With these few words, I support the motion.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“Sir, I also rise to support this motion. The only discordant note struck in the course of this discussion has been that of Mr. Krishnan Nayar, and all others have supported this motion for reduction. I shall now place a few facts before

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this House as to what took place in this House last year, which will induce it to take no other course than to accept this motion. Whether those who have supported the motion have succeeded in inducing the hon. Mr. Knapp to accept it or not, I am quite clear that this House cannot take any other course than accepting this motion. It will be remembered that a motion was made last year for reduction of the allotment under Jails by Rs. 2 lakhs. After a considerable discussion and after an elaborate reply from the then Law Member who was also in charge of jails, the motion was carried by 36 voting *for* and 21 *against*. I am referring to this to show how strong the feeling was in connexion with this matter. A reference to that division list would show that among the 21 who voted against that motion there were 14 officials, including the Council Secretaries, and the other 7 were non-officials. It will be seen from a further examination that in the whole of the first block only three non-officials voted against the reduction, and that all Members in block 2 voted for the reduction. So far as block 3 was concerned, only one Member voted against reduction, and in block 4 only three. This shows that the whole House almost unanimously voted for the reduction. What has been the result? The House would also remember that the reduction was passed notwithstanding the information about the Mappilla prisoners, which question was also debated at considerable length. The hon. the Law Member then referred to the fact that there was a proposal to release the Mappilla prisoners and referred to the nervousness of Mr. Krishnan Nayar on that matter. There was also a reference to the fact that there would be a large number of prisoners who would be released. Notwithstanding the discussion of all these questions, the House deliberately voted for a reduction of Rs. 2 lakhs. I would ask this House to consider

whether it was not possible for the Government to give effect to that vote. And what has the Government done? It will be found that the original total provision under this head was Rs. 33·86 lakhs for last year and in the Budget Estimate now in our hands the figure shown is Rs. 35·87 lakhs, which means practically Rs. 33·86 lakhs plus 2 lakhs reduced last year. It shows that no effect has been given to the decision we came to last year, in giving us the Budget figures for this year. In the revised estimate they have enhanced the provision by Rs. 5 lakhs and they have also increased the Budget Estimate for this year by over Rs. 2 lakhs. It will be remembered that the vote of this House that the provision under this head should be reduced by Rs. 2 lakhs was passed almost unanimously, so far as the non-official portion of this House was concerned. Though the House gave a clear vote for the reduction of the provision, not only no effect was given to the vote of this House but also the Government have chosen to go back on the decision and provide for this additional Rs. 2 lakhs. I therefore suggest that this House should vote again and adopt their original decision by accepting this motion for reduction of Rs. 2 lakhs.

“When this question was discussed last year, the late Law Member then stated expressly: ‘We shall do everything that we can for the purpose of keeping down the jail population.’ He said—I am quoting him—‘The question is if you must have a certain number of prisoners, that does not depend upon the Government; so far as the Government are concerned, they will be extremely pleased if there is to be a fall in the number of prisoners,’ and later on he says ‘we shall do everything that we can for the purpose of keeping down the jail population.’ I may draw the attention of the House to this

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positive statement then made that everything will be done to keep down the jail population. I only wish the House to consider whether measures have been taken so far to achieve that result. There have been cases of release of prisoners, but it has not been sufficient to reduce the expenditure on jails to a substantial extent. If the hon. the Home Member thinks it is his duty to act up to the vote of this House during the last occasion and to put down the expenditure at that figure of 33 lakhs, he must have devised ways and means, if necessary in consultation with the hon. the Law Member, as unfortunately owing to the splitting up of these two branches, he is not now in charge of jails. He must have therefore devised ways and means whereby the jail population would have been kept down and the expenditure would have been much less than it has been at present. I do not wish to enter into details as to the modes by which the jail population could be kept down. Some hon. Members suggested that many can be released in the case of the political prisoners and also in the case of some of the Mappilla prisoners, and I think the Government are bound to show better consideration to this suggestion. If the statement made by the hon. the Law Member when he was in charge of jails was steadily kept in view, I am inclined to think that there would not have been any room for misapprehension as to whether the Government are really carrying out the opinions expressed in this House on that occasion. Again, we find cases published in the papers of reports coming from the district of Gōdāvari, where the District Magistrate has already given notice to certain persons under the security sections for doing something in connexion with the ensuing Congress. The Congress was invited to the Andhra country and it was resolved to be held somewhere in the Gōdāvari district, at Cocanada, and when preparations have been going on for the Congress we find notices issued to certain persons on the ground that they are doing something for the Congress, something for the non-cooperation which seems objectionable to the Government and so forth. If this is the policy to be pursued, I do not think, Sir, that effect will have been given to this declaration of the hon. the Law Member who said he would do everything to keep down the jail population. I am inclined to refer to this statement at this stage because unless there is a change in the methods adopted you cannot attain your object of successfully keeping down the jail population. I, therefore, think that this House will do well to be reminded about its own vote on the last occasion which was passed almost unanimously so far as the non-official Members were concerned. I, therefore, support this motion for reduction."

Rao Bahadur O. TANIKACHALA CHETTIYAR :—" Mr. President, in answer to a certain motion with regard to Forests, we have been told that we must not look at Forests as a business proposition. I hope, Sir, that all other departments of Government are not also to be run on the same principle."

. The hon. Mr. A. R. KNAPP :—" May I correct that, Sir. What I said was that the Forests are not to be regarded *simply* as a business proposition."

Rao Bahadur O. TANIKACHALA CHETTIYAR :—" Whatever the explanation is, I hope the other departments of Government are not also expected to be run on the same principle of not treating the Forest department as a business proposition."

" Sir, turning to the comparative statement attached to the budget speech containing revenue and expenditure for the last three years with reference

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to Jails and Convict Settlements, I find that the amount of revenue derived from jail administration is in inverse ratio to the amount of expenditure on the jail administration. For, while in the year 1921-22 we spent on jails Rs. 29·56 lakhs, we made Rs. 9·29 lakhs, so that even though we as a necessary evil have to keep these offenders of the law or the breakers of law in jail we had administered our jail institutions in such a manner that we were able to make something out of those unfortunate people when they were in jail, that is, though we spent Rs. 29·56 lakhs we made Rs. 9·29 lakhs. Last year, 1922-23, we were asked for a budget grant of Rs. 35½ lakhs which we readily gave them but the expenditure ran up to Rs. 39·95 lakhs, or nearly Rs. 40 lakhs. We expected last year that this increased expenditure of Rs. 35½ lakhs would bring in Rs. 8·50 by way of income or revenue. But our expectation of revenue always fall short in their realization and we got only Rs. 7·70 lakhs. Sir, this year we are asked to give Rs. 35·81 lakhs. One would have expected that Rs. 35 lakhs, which is more than Rs. 29·56 lakhs for the year 1921-22, would have brought a proportionate increase in our jail revenue. But we only expect to make Rs. 8·68 lakhs this year, so that it is in the inverse ratio that we seem to progress. I hope it is not a misfortune that a Member who is in charge of several departments is able to get more and more from us for all his departments though we are getting less and less from all those various departments. So far as I am concerned, it cannot be said that I have been demurring to proper grants being made. For I was one of those who heartily supported the proposition of the Government when they came in for a supplementary grant of Rs. 4·32 lakhs, when it was said that an error was committed in the calculation of the dietary charges in the case of the prisoners in jails."

The hon. Mr. A. R. KNAPP:—"May I ask, Sir, for the reference."

Rao Bahadur O. TANIKACHALA CHETTIYAR:—"I remember, Sir, there was a supplementary grant for Rs. 4·32 lakhs and in the course of the explanation that was given for moving the grant it was said that a very large sum of about Rs. 3 lakhs for dietary expenses was not calculated by a mistake. I as a private Member cannot be expected to have references to the page and to the volume where these proceedings are recorded. But it is a broad statement which the Member in charge ought to be fully aware of without a reference from me. So, Sir, while I cannot be indifferent to the interest of the jail administration, I had at the same time expected that the administration should be conducted on business principles. For even Government institutions have to be run on business principles making a profit and not spending money without a due return in the management of their institutions."

The hon. Mr. A. R. KNAPP:—"Sir, like the profits which my hon. friend expects to get from the jail department, I propose to deal with the speeches in inverse ratio, and I will first deal with my hon. friend who has just now spoken. He claimed credit for himself for having supported the motion for a supplementary grant for four lakhs under Jails this year and particularly, I understand, for having overlooked a so-called mistake on the part of the Government in drawing up its budget. I have no recollection of any such mistake. But the fact remains that last year this Council cut off Rs. 2 lakhs, and on a demand made later in the year they had to admit their mistake and had also to grant not only that two lakhs but another two lakhs."

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Rao Bahadur O. TANIKACHALA CHETTIYAR :—“ May I point out that outtings of two lakhs would not necessitate a re-voting of a sum of Rs. 4·82 lakhs ? ”

The hon. Mr. A. R. KNAPP :—“ My hon. friend took credit for having recognized the need for that supplementary grant of four lakhs, and that, Sir, I think, is an admission of the mistake that was made in the beginning in cutting off two lakhs.

“ On the general question, Sir, my hon. friend's complaint is that the jails are not run as a business proposition. He went, I suppose, on the basis of a comparison between the receipts from jail manufactures and the whole expenditure on the Jail department. So far as the expenditure on jail manufactures is concerned, the only fair comparison is obviously a comparison with the receipts from jail manufactures and there we exhibit a considerable profit. But I am not going to restrict myself to that point. It is not the intention of the Government to run the jails as a business proposition. We have no intention of following Mr. Ramalinga Reddi's advice and economising at the expense of the men in jail.”

Mr. C. RAMALINGA REDDI :—“ I did not suggest, Sir, that economy should be effected under the head of diet, etc.”

The hon. Mr. A. R. KNAPP :—“ Mr. Ramalinga Reddi suggested that we should practice economies. If economies are practised, it must be at the expense of the inhabitants of the jails. On the general point my answer is that we are not going to attempt to do what Mr. Tanikachala Chettiayar would like us to do, namely, to run the jails as a business proposition. His suggestion, if carried to its logical conclusion, would mean, I suppose, that we should extend the prisoners' working hours and cut down the cost of their diet and the money spent on medical attention, etc. I very much doubt whether this Council would wish us to adopt that line of cutting expenses. Our position, so far as the Jail department is concerned, is that we have little or no control over the numbers of prisoners we receive, but we do claim that it is the duty of this Council to make such a provision for the prisoners who unfortunately come within our clutches as to enable us to keep them in health and that degree of comfort which even prisoners are entitled to expect.

“ Now, Sir, I have somewhat of a grievance in respect of the procedure that we have been adopting in connexion with this matter. My hon. friend opposite proposed a reduction of Rs. 2 lakhs and is, I believe, under the impression that this reduction is feasible. Other hon. Members, including my hon. friend, Mr. Srinivasa Ayyangar, admitted that they only wanted to elicit information on certain points.”

Mr. R. SRINIVASA AYYANGAR :—“ I was not allowed to speak on that, Sir, because my motion comes later on.”

The hon. Mr. A. R. KNAPP :—“ Mr. Srinivasa Ayyangar's motion only wished to make a reduction of Rs. 100 for the purpose of calling attention to certain points. From what I have heard from the other Members, I was under the impression that they were similarly not anxious to support this large reduction. But if all the hon. Members of the House are concentrating on the same point, namely, a total reduction of Rs. 2 lakhs, then I have nothing more to say on that. Mr. Krishna Rao reminded me that a similar reduction was made last year after a very careful examination of the question.

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So far as I can see the careful examination of the question consisted in the fact of one speech by Mr. Krishna Rao, the reply by the hon. Mr. K. Srinivasa Ayyangar, and a further reply from Mr. Krishna Rao in which he justified the reduction of two lakhs by releasing all political prisoners. I do not know exactly what the number of the political prisoners is, but I think it is not more than 400; I am told somewhere about 250. To save two lakhs by releasing 250 prisoners is impossible. Speaking very roughly, you will have to release 2,000 prisoners in order to make that saving."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I referred to the discussion on motion No. 459 where there was a full-dress debate, a number of hon. Members having taken part in the same. Then came the motion No. 463 where myself and the hon. the Law Member alone took part, and it was subsequently voted upon."

The hon. Mr. A. R. KNAPP:—"The first motion referred to by my hon. friend Mr. Krishna Rao (Motion No. 459) was by leave withdrawn after a full discussion. All I wish to say is that I do not see any evidence of that very close consideration which my hon. friend claimed for the discussion which took place on the previous budget. In fact if hon. Members had given careful consideration, they would have realised that the release of 250 so-called political prisoners could not possibly have justified a cut of two lakhs in the jail expenditure. What was the result, Sir? Later on in the year we had to come back to the House and say that unless we opened the jail doors and let prisoners out there was no means of avoiding the expenditure not only of these two lakhs but also of a further two lakhs."

"The hon. mover of this motion referred to the short-term imprisonment. I do not propose to reply to him in detail. In the Jail department we are only dealing with prisoners who come to us; and it is for the hon. the Law Member to decide who they shall be, and I must leave the responsibility for that on him."

"In the course of this morning's discussion, there were some suggestions as to the methods of economy. My hon. friend, Mr. Narasimhacharlu, made the suggestion that we might effect a good deal of saving if we allowed the prisoners to introduce their own food and clothing into the jail. Well, Sir, it may be interesting to the House to know that there was a very serious outbreak of cholera in the Coimbatore Jail this year; it was fortunately stopped before it claimed a large death-roll among the inmates of the jail. The cause of the outbreak was traced to food introduced into the jail by the under-trial prisoners. As a result of this the Inspector-General of Prisons has had to rule that in future he cannot allow food to be brought in from outside at all. Obviously it is not fair to the prisoners who are confined in jail and who have no choice in regard to their food to expose them to the dangers of epidemics of that kind owing to the carelessness of others whose food is brought from outside into the jail."

Rao Bahadur T. M. NARASIMHACHARLU:—"I do not suggest that food should be brought from outside. I suggested that the prisoners should be allowed to cook their own food from the materials supplied to them in jails."

The hon. Mr. A. R. KNAPP:—"We have just now instituted a special class of prisoners who are allowed to cook their own food. I know in most of the jails the Brahmins are allowed to cook their own food; they have

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separate kitchens. The prisoners in the Cuddalore jail to whom my hon. friend Mr. Sivasankaram referred were allowed to cook their own food. I hope that after the illustration I have given, it will be agreed that it would not be satisfactory to follow that line of retrenchment, namely, of allowing food to be brought from outside.

“The greater part of to-day’s debate has developed into a discussion of the affairs in Malabar of which I am afraid the House will be getting rather tired. I am not in the least surprised that my hon. friend, Mr. Krishnan Nayar, got up and protested against the suggestion of my hon. friend, Mr. Venkataramana Ayyangar, that we should effect the wholesale release of the Mappilla prisoners. Well, Sir, I want to approach this matter in all seriousness and I would like the House to remember that a very heavy responsibility lies on me in trying to find a *via media* between the two extremes—the one extreme of amnesty and general release of offenders, a great many of them very serious offenders indeed, and the other extreme of regarding the Mappillas as offenders who have to be banished from their homes for ever. I entirely agree that we shall never get peace in Malabar until the Hindu makes up his mind to live in amity with his Mappilla neighbour. Hon. Members of this House who recommend the release of these prisoners have to remember that the persons who are now in jail are only those who have been guilty of murder, of grievous hurt and various other serious offences. All those who are guilty of less serious offences have already been treated under another scheme. Some 15,000 of them who have only participated in looting and crimes of that kind have not gone to jail. We have in jail some 8,000 or 9,000 persons who have been convicted of very serious offences. At the same time we have also some 15,000 persons who have never had to go to jail and whose conviction so far has not contributed to the deterioration in social conditions which my hon. friend, Mr. Ramalinga Reddi, referred to. We have actually released some 1,200. These men were selected to be released because we had the assurance of the local authorities that they were men who were unlikely to give any trouble on their return home. That, Sir, is the answer to the question which my hon. friend, Mr. Krishna Rao, asked. None of these men has done any harm after their release and it would be most surprising if they had done any because they are selected men. It would be a different matter to make a sweeping release such as that suggested by my hon. friend, Mr. Venkataramana Ayyangar. I am sure my hon. friend would not advocate the wholesale release of persons who have been found guilty of horrible crimes. At any rate, I have no intention of carrying out any wholesale release; but I am quite prepared, gradually and cautiously to extend release to other prisoners. A certain number has already been released in the ordinary course and I will ask the House to remember that it is just 20 months since the Malabar rebellion commenced and it would be altogether premature to extend amnesty to all prisoners, irrespective of the nature of offences committed by them. Whatever view may be taken on this question, I trust that the House is not going to cut a single pie out of the jail budget. Suggestions have been made for retrenchment in the jail budget and my reply to that would be to refer to what occurred a month back. Last month, I asked the House to grant money for the relief of the sufferers in Malabar and I was told that I should not come for a grant until I had realised all the fines and had money to meet the grant. If I am now asked to cut off the jail budget, surely my answer may be that the allotment

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should not be curtailed until the number of prisoners has actually fallen. Until then I am entitled at the hands of the House to have money enough to keep all the prisoners."

Rao Bahadur T. BALAJI RAO NAYUDU :—" May I know, Sir, how much do the Mappilla rebels cost approximately ? "

The hon. Mr. A. R. KNAFF :—" The Mappilla prisoners roughly cost about 8 lakhs per annum. "

Mr. C. RAMALINGA REDDI :—" Seeing that so many Mappillas have been convicted under extraordinary circumstances, may I ask, Sir, whether it is not advisable to appoint a special tribunal to revise those sentences ? "

The hon. Mr. A. R. KNAFF :—" Sir, there is no proposal to appoint a special tribunal for that purpose. We have already organized a revising board which is going round all the jails and which has power to revise sentences and to recommend the release in suitable cases. "

Mr. C. RAMALINGA REDDI :—" May I know, Sir, the *personnel* of the Board and whether there are any persons with judicial experience on that Board ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" There are two points concerning the departments in my charge raised in the debate and I wish to confine my remarks to them alone. My hon. friend, Mr. Venkatramana Ayyangar, referred to the expediency or the utility of not passing short-term sentences. I think it would be gratifying to the House to learn that the Government of India are entirely of that opinion. The recommendations of the Jail Committee, and their specific suggestions in regard to this matter are under consideration by the Government. So far as the Madras Government are concerned, they are also not against this system. But the question is how the result that is sought to be achieved by my hon. friend Mr. Venkatramana Ayyangar could be arrived at. Is it by executive instructions in certain instances, or by a change of legislation or is it by a resort partially to the section 572 to which my hon. friend Mr. R. Srinivasa Ayyangar adverted or is it by concurrently resorting to the Reformatory Act ? All these things will be very shortly decided and the result will be published for the information of this House. "

" There was another point about prisoners confined in jails for political offences. I may mention for the information of the House that on the 24th August 1922, there were 245 prisoners in jails for offences which may be said to have been connected with the non-co-operation movement. Very recently a further account was taken and it was found that there were only 89 persons who might be said to fall in that category. Speaking for myself I may say that it is not the intention of the Government to keep in jail any one connected with such offences, especially those who have gone there in regard to security proceedings who can be released without any hazard to public safety. I may mention that out of this 89, a large number has been released and we have at present a very small number of such class of prisoners in the jails. "

The House then adjourned at 1-30 p.m. for lunch.

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The House re-assembled after lunch at 2-30 p.m. with the hon. the Deputy President in the chair.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Mr. President, I think the discussion on this motion of my friend, Mr. Venkataramana Ayyangar, has shown that we have no uniformity of practice in this Council as yet in raising questions of policy and in discussing actual cuts in regard to demands. My hon. friend, I should think, is certainly entitled to complain that under a demand for reduction of an amount of 2 lakhs, we have discussed questions of jail administration and questions of broad general policy. I will submit for the consideration of hon. Members that it will be more convenient if all these broad questions of policy are raised under motions for a reduction of grants by a hundred rupees or some smaller amount. For, it will then be understood that the motions are intended really to raise questions of policy. As it is now, many questions of policy, such as those which have been mentioned by various hon. Members, have been brought up and we really do not know whether we should be voting in regard to those questions of general policy, or with reference to this actual reduction of 2 lakhs of rupees under this head. That is really a difficulty and I join with my hon. friend, Mr. Knapp, that we may hereafter divide these two sets of motions in the manner in which we have been doing also in other matters.

"Now, Sir, having said this, I think I should say one or two words in regard to the various matters that have been raised. One is the remark made by the hon. Mr. Knapp that if peace is to be restored in Malabar, both the communities, the Hindu and the Muhammadan, should hereafter consent to live in amity and that reconciliation should be the broad policy hereafter. I think my friend, Mr. Krishnan Nayar, speaks from personal knowledge and we appreciate all that he has said in regard to the feeling in that part of the country. I do not wish to say one word which would add to any existing irritation between the two communities, and I trust that any statement made in this Council will not contribute to the continuance of any existing strained relations between the Hindus and the Muhammadans. If my hon. friend, Mr. Krishnan Nayar, will also use his influence in this direction, I should think we can reach some solution of this very vexed problem of the Mappillas in Malabar. I think, therefore, there is no necessity at all either to examine all the things which my hon. friend has urged, or to endorse everything that has been said in any other policy in regard to this question. But my complaint is this: that although this Malabar rebellion has ended now nearly a year and a half ago and although things have been quieting down there, I think the expenditure under this head has not substantially decreased. The hon. Mr. Knapp said that the expenditure under this head in regard to the Mappilla prisoners was about 8 lakhs of rupees. If hon. Members will turn to page 95 of the Budget Estimates, the accounts for 1921-22 show that the expenditure was Rs. 22,41,657 as against Rs. 29,36,520 under Budget Estimate for 1923-1924, so that we have this difference of 8 lakhs still in our Budget Estimate. Every attempt ought to be made to go back to the conditions that prevailed till 1921-22. The bulk of this expenditure, as hon. Members will notice, comes under Establishment and Superintendence."

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The hon. Mr. A. R. KNAPP :—" May I repeat, Sir, that the expenditure of Rs. 15,07,000 comes under Dietary charges? The figures are—

	Rs.
Superintendence	59,771
Establishment	7,43,512
Dietary charges	15,07,000

I think that is how it stands."

Mr. C. V. VENKATARAMANA AYYANGAR :—" The corresponding second item in the first column is Rs. 15,07,000 and that is for Establishment. For Dietary charges the figure is Rs. 1,26,000 and that is the third item."

The hon. Mr. A. R. KNAPP :—" I must protest against my hon. friend's interpretation of it, Sir, that Rs. 1,26,000 represents dietary charges for 8,000 people."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I can only construe the figures as printed here, Sir. I take it that 'Superintendence' is the first item, and for that the figure is Rs. 7,43,512; 'Establishment' is the second item and the corresponding figure is Rs. 15,07,000; 'Dietary charges' is the third item and the figure given here is Rs. 1,26,000. May I know from the hon. Member whether these figures are correct, or whether there is anything inconsistent or wrong about them?"

The hon. Mr. A. R. KNAPP :—" If my hon. friend will only continue the line, he will find the figure Rs. 59,771; and that is for Superintendence; then for Establishment the figure is Rs. 7,43,512, and for Dietary charges Rs. 15,07,000. The mistake is due rather to a misleading arrangement of the type."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Well, Sir, the figures are misleading. I do not blame the hon. Member for it, but whoever may be responsible for it, I think it is somewhat puzzling to be told at the last moment that the comment that I have made is based on a bad arrangement of figures. However, whatever may be the way in which these are printed, I trust that this figure of 22 lakhs and odd would be reached as early as possible. I think therefore that there is room for economy on these lines. Certainly it is not our intention, as has been suggested by the hon. Mr. Knapp, to starve our jail population. Therefore, I would urge that if he is not prepared to accept a cut of 2 lakhs, he might himself suggest another figure which might be adopted by the Council. Last time we had a cut of 2 lakhs. But then the hon. Member came forward with supplementary estimates and quite reasonably. The Council should have no objection, if a sufficient case is made out, against granting any supplementary demand which he might bring forward. But in view of all these circumstances, I would suggest to him that if he would accept a cut of 1 lakh and try and see how far economies could be further practised, I think that would be the best way of solving this question."

The hon. Sir CHARLES TODHUNTER :—" Sir, my hon. friend has just appealed to the hon. the Home Member to accept a smaller figure. May I suggest to him the figure which he himself has suggested in the motion which he has put down, viz., motion No. 388—Rs. 100? That would be entirely in accordance with the procedure which he has been suggesting that we should discuss large questions of policy on motions dealing with nominal amounts and that when attention is deliberately attracted to a particular

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item, then we should have a motion for cutting that particular item. I may say, Sir, that I was a sufferer under this same method yesterday. We had a motion on the Director of Office Systems. At first, we began with a motion for a small cut. That was argued at length, the whole policy was discussed and it was withdrawn. We had then motions for the omission of the whole establishment and a further motion for a small cut again. On the motion for the omission of the whole establishment a number of hon. Members discussed various minor items. They did not in the least wish to omit the whole establishment, but when it came to a vote, the whole establishment was cut out. I think the House will realize that it is really a most unfortunate thing to occur that they should have voted out the whole staff when really they wanted only to reduce certain items of the establishment. In the same way in this case I am afraid the motion is really leading to the creation of a deadlock, and I do submit to the House that the proper thing is to carry a motion in terms of that which my hon. friend Mr. Ramachandra Rao has himself tabled, viz., for a reduction of Rs. 100."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"The whole object of discussing broad questions of policy on a motion for the reduction of an item by Rs. 100 is, Sir, not to dislocate the budget, but really to discuss questions of policy, so that the Government may adopt them, even assuming that all the figures do stand. But here my hon. friend, the mover, has a definite object of securing a specific reduction of two lakhs, which the House might decide. So I should still consider that if the hon. Member would consent to have a smaller cut, we would be satisfied."

The hon. Sir CHARLES TODHUNTER :—"I would venture to ask, Sir, that if this is a motion for a definite cut of definite amounts, then those amounts should be specified. Hon. Members should take upon themselves as far as possible the responsibility of saying whether this or that expenditure is excessive and that they object to it, and not impose upon the Government the duty of making deductions in which the House has no voice. I venture to think that the results of such deductions will be satisfactory neither to the Government, nor to the House. We had a deduction of that sort last year in the case of the Police. The Government could find no item which they could cut out except the plague police. In this House there are a large number of representatives of local bodies and they know that these local bodies have unanimously been objecting to that reduction, which was a reduction made in accordance with the orders of this House."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"May I submit, Sir, that I am rather surprised that the hon. Member should refuse to take the opportunity which we are giving him of adjusting his expenses in the light of the experience of himself and other officials who are connected with the department? When we say that one lakh of rupees should be reduced, the hon. Member has certainly the opportunity of distributing that one lakh amongst all the items which go to make up that head and I am surprised to find that he will not take the opportunity when we want to give it to him. This has been the practice last year and this has been the practice also in the Legislative Assembly. In order not to embarrass the department far too much, it is much better to have a percentage reduction and allow the department concerned to adjust their expenditure, because they have certainly much better experience of the actual way in which it might be

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distributed without dislocating the work in any way, and I am really surprised to see that my hon. friend has declined to have the freedom which I have given in this matter."

The hon. Sir CHARLES TODHUNTER :—" May I be permitted to reply, Sir ? So far from my hon. friend giving us more freedom, I am afraid that the effect of the practice which he advocates is to fetter us most unduly. It means that the House give us orders, the effect of which is likely to be to drive the people who prepare the budget to the practices of which we have been accused in the general budget debate, namely of dishonest budgeting, or more exactly, comparatively dishonest budgeting."

Mr. M. RATNASWAMI :—" I said comparatively less honest, Sir."

The hon. Sir CHARLES TODHUNTER :—" I do put it to the House that, if
2-45 p.m. they are going to make the practice of cutting out lump sums from the budget of departments, they are inviting the heads of departments to make provision against such cuts. We are now doing everything we can to prevent budgeting in excess. The budgets of departments are scrutinized first in the administrative departments of the Secretariat, next by the Finance Department and the Finance Committee, which is an elected body of this Council, and finally by the Cabinet. If, after all this scrutiny has been made, the Council cut out lump sums without any regard to the details over which such care has been taken, the effect cannot but be to put those concerned with the preparation of the budget under a great temptation to make some provision against a similar cut in future years. This is a procedure which I want to resist and which, I hope, the Council will help me to resist. Mr. Lloyd and I have made every endeavour to assist the House to a clear understanding of every detail in the budget, and a number of Members have been good enough to acknowledge that it has been done in a very lucid way. We have further invited hon. Members who wished to have specific information to apply for it. In return I ask hon. Members for the comparative honesty which Mr. Ratnaswami asks of us. I ask them, having all this detailed information before them, when they wish to make a cut of a specific amount to name the items which they wish to cut out and to take responsibility for depriving the department concerned of a specific portion of its expenditure. I am not speaking of raising questions of general policy on motions for nominal amounts; what I do ask is that motions to reduce by amounts that are not nominal should be made with reference to specific heads in the budget."

The hon. the DEPUTY PRESIDENT :—" Now I call upon Rao Bahadur T. A. Ramalinga Chettiyar to move the amendment he has given notice of. I think the House will have no objection to allow it."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, Mr. Ramalinga Chettiyar's motion cannot be an amendment to my motion. It can only be another motion. It cannot be an amendment to a motion for reduction already proposed. It may be another proposal for reduction. When there are several motions for reduction one for eight lakhs, another for two lakhs and again another for 10,000, it means that whether the first motion for reduction is made and carried or not, the other motions will be allowed to be made one by one."

The hon. the DEPUTY PRESIDENT :—" I have allowed Mr. Ramalinga Chettiyar to move his amendment."

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Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, I beg to move an amendment to the motion of Mr. Venkataramana Ayyangar to reduce the allotment of Rs. 29,36,500 for Jails by Rs. 2,00,000, and that is, to change the figure Rs. 2,00,000 to Rs. 50,000. My object in moving this amendment is to meet the arguments on both sides of the House. The hon. the Finance Member has said that he has some difficulty in adjusting the expenditure. It is a pity that it has not been possible to go into the details of the expenditure of this department with the help of an expert committee as it has been possible to do in the other departments, viz., Agriculture, Veterinary and Medical. In those departments some expert committees were appointed and they have already recommended reductions. In this department no such committee has been appointed so far. The experience of the other committees has been that considerable reduction is possible. So, in this department also, I take it that some reduction will be possible. There was some doubt about the figure two lakhs, as to whether it would be possible to reach that figure or not. We are not pinning ourselves to any particular figure; we are only showing what sort of policy has to be followed in the matter of jail administration. Taking that policy and also going through the administrative expenses, I consider that a considerable reduction ought to be made in the administration of this department; but I do not want to put the department in a difficult position as has been stated by the hon. the Finance Member. What I want to do is to reduce the provision by Rs. 50,000. This is intended both for the purpose of reducing the expenditure in the department and also for pressing on the Government the policy we want to be pursued in this department. It is for these two purposes I want that this reduction should be carried. I think that it will also meet the wishes of the Treasury Bench by not putting them in the very difficult situation of not being able to find the means of accepting the motion. So, with this view I beg to move this amendment, viz., the reduction of Rs. 50,000, in the budget expenditure of this department. As I said, I am doing so in view of the policy enunciated so far."

Mr. S. T. SHANMUKHAM PILLAI :—" Sir, I second the amendment. So far as we can see from the budget figures, we cannot say that we can make any reduction. This year's budget is short of the revised estimate for last year by three lakhs. If in addition to this reduction of three lakhs we propose a further reduction of two lakhs, we shall be landing the Government in difficulties as regards meeting the expenditure of this department. Under the circumstances, the amendment moved by Mr. Ramalinga Chettiyar seems to me to be a good one. There is also the contingency that if we cut short the provision now, the Member in charge of Jails will come in again with a supplementary demand."

Rai Bahadur T. M. NARASIMHACHARLU :—" Mr. President, Sir, I propose moving an amendment, because, if this amendment is carried, the motion which I have tabled, might go out automatically. I therefore wish to move my motion as an amendment to this motion, viz., the total demand might be reduced by one lakh."

Mr. C. RAMALINGA REDDI :—" Sir, I rise to a point of order. I wish to know whether an amendment to an amendment is permissible."

Rai Bahadur T. M. NARASIMHACHARLU :—" I do not move it as an amendment to an amendment. I move it as an amendment to the motion now before the House."

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Mr. A. RANGANATHA MUDALIYAR :—" Sir, I think the leave of the House is also necessary for the introduction of this amendment. If we go on introducing amendment after amendment in this fashion, there will be no end to the discussion."

The hon. the DEPUTY PRESIDENT :—" I do not allow the amendment of Mr. Narasimhacharlu. If the amendment of Mr. Ramalinga Chettiyar is carried, Mr. Narasimhacharlu's motion dies."

Rai Bahadur T. M. NARASIMHACHARLU :—" On a point of order, Sir, I wish to know whether a second amendment does not lie."

The hon. the DEPUTY PRESIDENT :—" Well, it does not seem to be expedient, at any rate."

Sriman SASIBHUSHAN RATH Mahasayo :—" I beg to move an amendment, viz., that the figure should be 1 lakh and odd. Mr. Narasimhacharlu was not allowed to move his amendment for the reason that he has a motion standing against his name. Since I have not got a similar motion standing against my name I may be permitted to move my amendment."

The hon. the DEPUTY PRESIDENT :—" I cannot permit the hon. Member to move an amendment."

Sriman SASIBHUSHAN RATH Mahasayo :—" May I know why, Sir ?"

The hon. the DEPUTY PRESIDENT :—" The hon. Member will see that this amendment is for a reduction to Rs. 50,000 and if it is rejected by the House then the motion for reducing by 2 lakhs will be put before the Council for decision. If the motion for 2 lakhs is rejected then the motion of Mr. Narasimhacharlu for a reduction of 1 lakh will be taken for discussion."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, to deal first with the reply made by the Leader of the House as to the desirability or otherwise of bringing large cuts and then questions of policy as well, the proper place for referring to the latter is not here but somewhere else; he should apply to the Secretary of State and the Joint Committee. I think that there is no rule to the effect that those items which the Finance Committee of this House has approved shall not be discussed in this House. If there is such a rule, motions like mine will die. Till then, we can be bringing in such motions."

"As for my object in bringing this motion, I must say that it is with a view to reduce the allotment as well as to discuss questions of policy. We have done so only yesterday. We wanted two officers, the Deputy Commissioners of the Salt Department, to go, and we wanted also to make a cut. This motion also is like that, a combined motion for the reduction of the allotment and also for the discussion of a policy. This proposition acts first and foremost as a retrenchment motion and then it makes various suggestions as regards the policy. I appeal to the House, Sir, that even if it carries this motion for the reduction of 2 lakhs, it does not mean that the Government should make reductions in the directions suggested by us. I have heard an old proverb which says: 'a husband will always find fault with a wife whom he does not like.' If it is a motion to omit or reduce a particular item the hon. the Finance Member or somebody in charge of the department comes and says it is indispensable and yet when we make some suggestions by way of total cuts with a view to meet the deficit somehow or other we are told 'you are not suggesting anything at all. You are

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going out of the way and you are not taking the responsibility for your suggestions.' Now, so far as this question is concerned we have put forward various suggestions. Several Members have suggested several courses as to how this cut of 2 lakhs can be effected. So far as I myself am concerned, I gave a few instances, viz., the reduction of Mappilla prisoners. My hon. friend, Mr. Krishnan Nayar, who is also interested in such questions also got up—I do not think he is nervous as stated by Mr. Ramalinga Reddiyar."

Mr. C. RAMALINGA REDDI :—"There was no reference in my speech to Mr. Krishnan Nayar."

Mr. C. V. VENKATARAMANA AYYANGAR :—"He said 'some nervous gentlemen from Malabar might be afraid of releasing these Mappilla prisoners.' I think Mr. Krishnan Nayar is not one of those nervous people; but anyhow, he has been consistently opposing such motions from the beginning. I am not unaware of the fact that soon after this rebellion there was a strong feeling among the Hindu minds of Malabar to pass an Act by which all the Mappillas of Malabar should be murdered."

Diwan Bahadur M. KRISHNAN NAYAR :—"I never made any statement to the effect that all the Mappillas in Malabar should be murdered. I believe, I am not a lunatic to say that."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I am certainly aware that my hon. friend is not a lunatic. I only said that there was a strong impression like that. (laughter). I was only making a statement that there was a strong feeling in the minds of the Hindus of Malabar that in the interests of the peace of Malabar the best thing would be to murder a large number of these ferocious Mappillas. I did not say that Mr. Krishnan Nayar was of that opinion. I think I will be in order when I say that I received a number of communications from my Hindu friends saying that I was to be hanged for having presided over a meeting convened in connection with the Train Tragedy. I do not blame them for their feeling at that time. At that time such feelings could be excused. They did not know what to do. Even the Government and the Police did not know what to do. To quote a Tamil proverb 'எதைத்தின்னால் பித்தம் தெளியும்' they were in the position of a sick man who did not know which medicine to take and took every medicine prescribed for him trusting in the efficacy of each and all. Therefore I can understand their feeling at that time, and also Mr. Krishnan Nayar's feeling last year when there was a proposal to release some of these Mappilla prisoners. We were then assured on behalf of the Government, I do not quote the very words but it was suggested that they were releasing some of the prisoners and were carefully watching the result of that policy. As my time is up I want a few minutes more to finish, Sir."

The hon. the DEPUTY PRESIDENT :—"Yes, but without referring to the alleged tendency to murder the Mappillas."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, specific reference was made to the effect that if Rs. 2 lakhs were reduced, 2,000 people should be released. I do not know on what basis that reference was made. Even according to the Budget, Establishment charges cost Rs. 7 lakhs out of the provision of Rs. 30 lakhs."

The hon. Mr. A. R. KNAPP :—"The net cost of a prisoner is about Rs. 100 a year and that was how I calculated Rs. 2 lakhs for 2,000 prisoners."

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Mr. C. V. VENKATARAMANA AYYANGAR:—"Taking the establishment into consideration, for which seven lakhs of rupees are spent we may have a fairly large cut. I think there will also be a reduction in the number of short-term prisoners after hearing what the hon. the Law Member said, namely, that this matter would receive his careful consideration, and that researches would be made in regard to the question of reducing the number of prisoners, and so on."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I said Sir, that the matter was under the consideration of the Government of India."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I submit, Sir, that as there are about 6,000 people who are undergoing short-term imprisonment there will be a reduction of about 500 prisoners if we take the average for the year. Then, Sir, taking into consideration the fact that the Criminal Procedure Code has recently been amended by the Government of India and that the Government are now imprisoning persons even for small offences, like thefts, etc., and are also treating such offences as non-bailable thereby making several poor people to suffer very much—I think there will be a large reduction hereafter in the number of undertrial prisoners. There is also another cause for the number being reduced, because as the hon. the Law Member has suggested several boys who have been imprisoned for very petty offences will be sent to the Reformatory School at Chingleput. Therefore, I am very modest in saying that there will be a cut of 2,000 persons in the total number of prisoners now in jail. Taking all these things into consideration and also the fact that there might be some reduction in the establishment, I think that a reduction of Rs. 2 lakhs and odd is not at all an uncompromising amendment. It is not as if the Government have agreed to the amended reduction of Rs. 50,000 when I am asking for the reduction of Rs. 2 lakhs, and as my hon. friend Mr. Shanmukham Pillai suggested the Government can come forward with supplementary grants at any time, and they know how to do it. Even if we cut the provision asked for by a sum of Rs. 2 lakhs, they can come forward with a supplementary grant. Under these circumstances, I appeal to the hon. Members of this House that, as a matter of policy and as a matter of retrenchment, there should be a reduction made in the allotment. I do not in the least want to effect this reduction by lessening the convenience of prisoners. Better space and better convenience of prisoners is a thing which we all look to, and we may claim to have a share of the humanity of the hon. the Home Member who stated that he must look to the convenience of prisoners. There is no difference on that point. In conclusion, I think we can have reduction of two lakhs of rupees and I therefore trust that hon. Members of this House will agree with me."

The hon. Mr. A. R. KNAPP:—"I am not quite sure how far hon. Members have made up their minds as to what they want to do. Not having accepted the amendment that the allotment should be reduced by Rs. 50,000, I take it that they are discussing the motion for a reduction of Rs. 2,00,000. We have put down the very minimum we consider necessary for the maintenance of 17,000 prisoners. My hon. friend says that if the number is reduced, we can work with less money. That is perfectly true, but until the prisoners are reduced, it is of no use to ask us to reduce expenditure. Every year this House has been asking us to cut down the provision at the expense of the prisoners. I say you cannot cut down the

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provision for the dietary of prisoners without affecting their health. I strongly advise the House to realize this position, namely, that this budget has been based on the number of prisoners that we have at present and that no purpose will be served by cutting the provision asked for. As my hon. friend, the leader of the House has said, if the House thinks that a reduction can be made, they should give me an indication as to where they propose to cut off the amount. My hon. friend said that 7 lakhs of rupees were sufficiently large for the charges of superintendence."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I never said that it was sufficiently large."

The hon. Mr. A. R. KNAPP:—"I am certain he said that."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I never said that the provision of 7 lakhs of rupees was large. I said that so far as this provision was concerned, a portion of it might be reduced owing to the reduction of the number of Mappilla prisoners, and so on."

The hon. Mr. A. R. KNAPP:—"We must have a superintendent for each jail and we must have warders to take care of the prisoners. If we propose to cut down the number of guards of the prisoners at Coimbatore to, say, one per hundred prisoners, I am perfectly certain that my hon. friend opposite would be the first to object to such a course. I suppose he does not want the prisoners to escape and roam about in Coimbatore."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I simply meant that if the number were reduced by one or two, there was no fear of prisoners bolting away."

The hon. Mr. A. R. KNAPP:—"Well, Sir, that is all I can say with regard to the reduction of the total amount asked for, namely, that it would be foolish if the House were to cut the grant now. Unless the number of prisoners is reduced, the reduction cannot be effected in the course of the year."

The hon. the DEPUTY PRESIDENT:—"I wish to put the amendment to vote first."

The hon. Sir CHARLES TODHUNTER:—"May I ask, Sir, how we stand exactly in reference to this question? The motion that is now under discussion is a motion to substitute for the figure Rs. 2,00,000 the figure Rs. 50,000. If that amendment is lost, I take it that the original motion for a reduction by Rs. 2,00,000 will be put. If it is carried, I take it that we shall be asked to vote upon the original motion as amended, in other words, on a motion for a reduction by Rs. 50,000."

The hon. the DEPUTY PRESIDENT:—"The original motion will be put."

The hon. Sir CHARLES TODHUNTER:—"May I take it that, whatever the fate of the amendment, the original motion will be put after the amendment has been put?"

The hon. the DEPUTY PRESIDENT:—"I do not think there is any necessity for it. If the House were to reduce the provision by Rs. 50,000, the original motion would drop."

The hon. Sir CHARLES TODHUNTER:—"I submit, Sir, that if the amendment is carried, then we are entitled to vote on the original motion as amended by the substitution of the figure Rs. 50,000 for Rs. 2,00,000."

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The amendment was put to vote and carried.

A poll was demanded which was taken with the following result :—

Ayes.

- | | |
|---|--|
| 1. Rao Bahadur T. A. Ramalingam Chetti-
tiyar. | 15. Diwan Bahadur R. Venkataratnam
Nayudu. |
| 2. Mr. S. T. Shanmukham Pillai. | 16. Mr. S. Muttumanikkachari. |
| 3. „ M. Appalanarasayya Nayudu. | 17. „ S. Arpudaswami Udayar. |
| 4. „ P. C. Ethirajulu Nayudu. | 18. „ M. Ratnaswami. |
| 5. „ W. Vijayaraghava Mudaliyar. | 19. „ A. Ranganatha Mudaliyar. |
| 6. Rao Bahadur O. Tanikachala Chet-
tiyar. | 20. „ T. Sivasankaram Pillai. |
| 7. Mr. C. Ramalinga Reddi. | 21. Sayid Muhammad Padsha Sahib
Bahadur. |
| 8. „ K. A. Kandaswami Kandar. | 22. Muhammad Abdur Rahim Khan Sahib. |
| 9. „ J. Kuppuswami. | 23. Munshi Muhammad Abdur Rahiman
Sahib. |
| 10. „ B. Muniswami Nayudu. | 24. Khan Bahadur Muhammad Sadulla
Badsha Sahib Bahadur. |
| 11. „ M. Narayanaswami Reddi. | 25. Khan Bahadur Muhammad Usman
Sahib Bahadur. |
| 12. Rao Bahadur Dr. C. Natesa Mudaliyar. | 26. Mr. Abbas Ali Khan Bahadur. |
| 13. Mr. K. Sarabha Reddi. | |
| 14. „ B. Sitarama Reddi. | |

Noes.

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| 1. Mr. A. Tangavelu Nayagar. | 9. Rao Sahib U. Rama Rao. |
| 2. Diwan Bahadur M. Ramachandra Rao. | 10. Sriman Sasi Bhusan Rath Mahasayo. |
| 3. „ M. Krishnan Nayar. | 11. Mr. R. Srinivasa Ayyangar. |
| 4. Rao Bahadur C. V. S. Narasimha
Raju. | 12. „ T. C. Srinivasa Ayyangar. |
| 5. Mr. C. V. Venkataramana Ayyangar. | 13. Rao Bahadur T. Namburumal Chetti-
yar. |
| 6. „ M. Suryanarayana. | 14. Mr. Saiyid Ibrahim Ravuttar. |
| 7. Sriman Biswanath Das Mahasayo. | 15. Ahmad Miran Sahib Bahadur. |
| 8. Rai Bahadur T. M. Narasimhaচারু. | |

Twenty-six voted *for* and 15 *against*.

The motion was carried.

The motion of Mr. C. V. Venkataramana Ayyangar as amended by Mr. T. A. Ramalinga Chettiyyar was put and declared carried.

3-15 p.m. A poll was demanded which was taken with the following result :—

Ayes.

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| 1. Rao Bahadur T. A. Ramalinga Chetti-
tyar. | 23. Mr. C. V. Venkataramana Ayyangar. |
| 2. Mr. S. T. Shanmukham Pillai. | 24. Diwan Bahadur R. Venkataratnam
Nayudu. |
| 3. „ M. Appalanarasayya Nayudu. | 25. Mr. M. Suryanarayana. |
| 4. Diwan Bahadur C. Arunachala Mudali-
yar. | 26. Sriman Biswanath Das Mahasayo. |
| 5. Rao Bahadur P. C. Ethirajulu Nayudu | 27. Mr. S. Muttumanikkachari. |
| 6. „ O. Tanikachala Chettiyyar | 28. Rai Bahadur T. M. Narasimhaচারু. |
| 7. Mr. W. Vijayaraghava Mudaliyar. | 29. Rao Bahadur C. B. Rama Rao. |
| 8. „ K. Kandaswami Kandar. | 30. Rao Sahib U. Rama Rao. |
| 9. „ J. Kuppuswami. | 31. Mr. T. C. Srinivasa Ayyangar. |
| 10. „ B. Muniswami Nayudu. | 32. „ S. Arpudaswami Udayar. |
| 11. „ A. T. Muttukumaraswami Chetti-
tyar. | 33. Rao Sahib E. C. M. Mascarenhas. |
| 12. „ K. Narayanaswami Reddi. | 34. Mr. M. Ratnaswami. |
| 13. Rao Bahadur C. Natesa Mudaliyar. | 35. „ A. Ranganatha Mudaliyar. |
| 14. Mr. V. P. Pakkiriawami Pillai. | 36. „ T. Sivasankaram Pillai. |
| 15. „ K. Sarabha Reddi. | 37. Abbas Ali Khan Bahadur. |
| 16. „ K. Sitarama Reddi. | 38. Saiyid Ibrahim Ravuttar. |
| 17. Rao Bahadur C. Venkatarama Reddi. | 39. Ahmad Miran Sahib. |
| 18. Diwan Bahadur Pethachi Chettiyyar. | 40. Saiyid Muhammad Padsha Sahib. |
| 19. Diwan Bahadur M. Ramachandra
Rao Pantulu. | 41. Muhammad Abdur Rahim Khan
Sahib. |
| 20. Mr. C. Ramalinga Reddi. | 42. Munshi Muhammad Abdur Rahman
Khan Sahib. |
| 21. Rao Bahadur A. S. Krishna Rao
Pantulu. | 43. Khan Bahadur Muhammad Sadulla
Badsha Sahib. |
| 22. Rao Bahadur C. V. S. Narasimha Raju. | 44. Khan Bahadur Muhammad Usman
Sahib. |

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Noes.

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|---------------------------------------|---|
| 1. The hon. Sir Charles Todhunter. | 17. Mr. W. P. A. Saundarapandiya Nadar. |
| 2. " Khan Bahadur Sir Muhammad | 18. " R. K. Shanmukham Chettiyar. |
| Habib-ul-lah Sahib Bahadur | 19. " T. Somasundara Mudaliyar. |
| 3. " the Raja of Panagal. | 20. " P. Subbarayan. |
| 4. " Rai Bahadur K. Venkata- | 21. Sriman Sasi Bhushan Rath Mahasayo. |
| reddi Nayudu. | 22. Mr. R. Srinivasa Ayyangar. |
| 5. " Rao Bahadur A. P. Patro. | 23. " M. R. Seturajnam Ayyar. |
| 6. " Mr. A. R. Knapp. | 24. " T. Arumainatha Pillai. |
| 7. " C. P. Ramaswami Ayyar. | 25. " K. Prabhakaran Tampan. |
| 8. Mr. E. S. Lloyd. | 26. " C. R. T. Congreve. |
| 9. " A. Y. G. Campbell. | 27. Rao Bahadur M. C. Raja. |
| 10. " C. Madhavan Nayar. | 28. Mr. G. Vandanam. |
| 11. " R. D. Richmond. | 29. Rao Sahib P. Venkatarangayya. |
| 12. Diwan Bahadur T. V. Sivagnanam | 30. Mr. J. Leech. |
| Pillai. | 31. " A. M. MaoDougall. |
| 13. Mr. E. F. Thomas. | 32. Rao Bahadur T. Namburumal |
| 14. " E. Periyannayagam. | Chettiyar. |
| 15. Rao Sahib T. C. Tangavelu Pillai. | 33. Mr. W. Partridge. |
| 16. Rao Bahadur T. Balaji Rao Nayudu. | 34. " R. C. Wood. |

Forty-four voted *for* and 34 *against* as amended.

The motion as amended was carried.

MOTION No. 124.

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, I beg to move—
To reduce the allotment of Rs. 29,36,520 for Jails by Rs. 1 lakh."

The hon. the DEPUTY PRESIDENT:—"Will the hon. Member kindly see the advisability of not moving it?"

Rai Bahadur T. M. NARASIMHACHARLU:—"I wish to know as a point of order, Sir, whether I shall be in order in moving it."

The hon. the DEPUTY PRESIDENT:—"I am afraid, it is not. At any rate the House has already passed its verdict."

The motion was accordingly not taken up.

MOTION No. 125.

Mr. R. SRINIVASA AYYANGAR:—"I beg to move—

To reduce the allotment of Rs. 29,36,520 for Jails by Rs. 100.

I wish to say just a few words with your permission and the permission of the House. I beg leave to make this motion more with the view to raise a general discussion on the question of jail administration and place before the House a clear and if possible a vivid picture of the happenings in the Cuddalore District Jail, and also to emphasise, if possible, the necessity of removing some of the rigours and limitations that one comes across under the prison rules of the Local Government. It is in that spirit and to focus the attention of the hon. Members of this House on these important points that I make this motion. I may begin by saying, Sir, that it has been my good fortune to have had long interviews with some of the non-co-operation prisoners and also other classes of prisoners concentrated for some years past in the District Jail of Cuddalore of which I have the honour to be one of the non-official visitors. I do not think it necessary to place before this House a long catalogue of their grievances some of which appear to me to be at any rate really important. As a non-official visitor I tried hard to bring to the notice of the Government their grievances as often as I thought it necessary to draw the attention of the Government to remedy them. I was met with a cold and calculated reply to the effect that the rules had not been amended

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and that unless the rules were amended it would be impossible to carry out the wishes of the Member concerned. I may at once say that most of these rules were framed by the Local Government years ago when the condition of things was essentially different. Now the conditions have changed. We are now having different classes of men, men of culture, men of education and men fired with a certain amount of patriotism—misguided or otherwise it is unnecessary to go into at present. In the light of that I mean pressing upon the Government to appoint a committee to devise ways and means for bringing these rules to suit existing conditions. So far as the rules are concerned they require radical changes in the matter of granting interviews, in the matter of supplying newspapers, vernacular, Anglo-vernacular or Aanglo-Indian, in the matter of dietary and clothing, in the matter of wearing caste marks and in the matter of taking buttermilk or ghee as the case may be. Some of the prisoners expressed to me their desire to wear their caste marks. I sent in my vigorous protest to the Inspector-General of Prisons and he said 'there are rules and therefore I shall not allow them to wear caste marks'. If we only take into consideration the status of the people who are put into the jails one will be astonished at the woollen clothing given to them. I had the honour to demonstrate and draw the attention of the Collector, Mr. Datt, to that state of things. They are given woollen blankets."

The hon. the DEPUTY PRESIDENT:—"May I remind the hon. Member that the discussion comes to a close at 3-30?"

Mr. R. SRINIVASA AYYANGAR:—"But under the rules once the subject is taken up we are to continue it until it is disposed of."

The hon. the DEPUTY PRESIDENT:—"You are losing two minutes now."

Mr. R. SRINIVASA AYYANGAR:—"If you simply hold up these rugs in the air you will find the wools flying away like anything."

"We drew the attention of the Inspector-General to this state of things. He promised to look into the matter and I was told that orders were passed quite recently (thanks to the constant pressure he brought to bear upon the Government) to allow a change. Some of these prisoners, Sir, were not given buttermilk. We know, Sir, that most of us take buttermilk. The Superintendent of the Jails said that except under medical advice no buttermilk would be given. As regards the correspondence sent to these prisoners, considerable restraint is placed. The relations are not allowed to have interviews with the prisoners. They are not also allowed to put themselves in correspondence with these unfortunate prisoners with respect to domestic affairs. The angle of vision must undergo a radical and fundamental change and the whole thing has to be lifted up to a higher plane and considered from a broad and humane point of view."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, I wish to draw the attention of the hon. the Home Member only to two aspects of the question and I shall not take up much time in doing so. One is with regard to the diet. I think this matter should be looked into very carefully. If we turn to page 98 of the Budget estimate, we shall find, Sir, that for 1,115 prisoners in the Presidency jails, Rs. 62,000 are provided for dietary charges. This works to about Rs. 55 per head. Similarly, the proportion under Central Jails and Camp Jail works up to Rs. 65 per head; that under District and Special Jails to Rs. 60 and that under Subsidiary Jails to Rs. 75. I think, Sir, this

[Mr. A. Ranganatha Mudaliyar] [16th March 1923]

is a matter which requires the attention of the hon. the Home Member, i.e., why in one particular jail the amount should be as low as Rs. 55 per head and in another it should be Rs. 75. The rate varies from Rs. 55 to Rs. 75 per head. I do not for a moment suggest that the diet of these people should be cut short; but I do think that there may be certain leakages which, if rectified, will result in a reduction of expenditure.

"The second point which I wish to bring to the notice of the hon. the Home Member is the high proportion of the supervising officers to the number of prisoners. Taking the whole of the expenditure under this department, I think that nearly half of it is incurred on account of the supervising staff. I think the proportion is very high and should be looked into and reductions made wherever possible."

The hon. Mr. A. R. KNAPP :—"I gather that there is only one minute more left for speaking on this demand. With reference to the proposal for increased expenditure for providing better dietary, better clothing, butter-milk, etc., to certain classes of prisoners, I am not able to reconcile it with the vote of the House on the previous motion which proposes to cut down our expenditure."

The motion was by leave withdrawn.

Demand No. XIII. Jails for 35.81 lakhs minus Rs. 50,000 was put and carried. The grant was made.

DEMAND XIV—POLICE.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, I propose to depart from the usual practice in regard to moving for grants and to make a few remarks as a preliminary to my moving Demand XIV for 153.63 lakhs under the head of Police. The reason for my doing so is that, while I am averse to standing between the House and those hon. Members who desire to propose reductions under particular heads under this Demand, what I say may enable them to make up their minds as to what course they have to pursue. I am anxious to repeat what I have already stated, that I do not desire, in the slightest degree, to curtail the liberty of discussion in regard to the various motions; and indeed the Government will be obliged for all the suggestions that are made on the floor of the House in regard to this matter of Police Grant. I may, as a preliminary, mention this: that the Government have recognized the need for pursuing a policy of retrenchment in the matter of expenditure in general and expenditure on Police in particular. In view to this consummation, my predecessor in office, who bestowed, I may be permitted to mention, a tremendous amount of attention and careful scrutiny to the whole subject and who applied himself with very great elaboration to the details of this matter, convened a committee of experts in this particular line, composing of gentlemen who have special knowledge of the subject, and added to that committee two members of the Finance Committee of this House. That committee was charged with very important duties. The labours of that committee will be before this House, I take it, and before the Government. The Retrenchment Committee will also doubtless sit upon the matter after the proposals of that committee come up for consideration. I may mention that the following are amongst the proposals to be discussed by or before that committee. So far as the higher officers are concerned, the following proposals will emerge for discussion: the abolition of one or more

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of the Deputy Inspectors-General; the abolition of two Superintendents of Police in district charges; the abolition of some officers of the rank of District Superintendents of Police. So far as the subordinate staff is concerned, the scope of that committee's labour is even wider and more extensive. I may mention that the proposals which will have to be considered and reported upon by that committee involve the reversion—the possibility or the impossibility, the feasibility or otherwise of a reversion—to the old system of head constable station-house officer and the abolition of 300 or 400 sub-inspectors, the abolition of 100 or 200 inspectors, the abolition of head constables and the creation, as a reserve, of specialized detective staff in each district. So far as the City Police is concerned, the matters that will come up for discussion before that committee will involve amongst others the following questions: the abolition of one officer of the rank of Deputy Commissioner, the abolition of one officer of the rank of District Superintendent of Police, the abolition of some inspectors, the possibility of the abolition of a number of European sub-inspectors and a reduction in the number of police constables.

“Now that is a resumé and merely a resumé of the general scope and the task which that committee has set before itself. The only reason why I have permitted myself at this stage to make a few remarks by way of introduction is this: that the Government will have the report of that committee before them; they will carefully consider it; the Retrenchment Committee will bestow its labours upon its recommendations; and then this House will naturally have to consider them. But now if particular departures are made, if particular posts are taken away, the result will be that when the department is to be reorganized, the retention of a certain thing would be found necessary, which this Council might now resolve upon to dispense with. It is only in that view and with that object that I have mentioned that this committee has been constituted and is asked to report on this matter; and it is for the Members of this House, taking this suggestion, to embark upon such line of action as to them may seem feasible and expedient. Far be it from me to dictate or have the appearance of dictating that they should not pursue a particular policy. I am only mentioning this for the information and guidance of hon. Members. With these words, I move—

For a grant not exceeding 153.63 lakhs of rupees under Demand XIV—Police.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—“May I suggest, Sir, for your consideration, if it is within your discretion to change the order of motions, that it will be convenient if motion No. 446 is taken at this stage. It will enable the House to express its opinion on the general lines of policy. That will clear the ground to some extent and then we may go into specific cases if necessary. If you think, Sir, that that procedure may be adopted, it can be done, because, as the hon. the Law Member has suggested, broad questions of policy in the Police Department may then be discussed.”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“Mr. President Sir, may I speak for a moment? If I may say so, I consider that the suggestion that has fallen from my hon. friend, Mr. Ramachandra Rao, is an extremely useful one. The decision is entirely in your hands, Sir. But may I be permitted to say that not only the committee to which I have adverted but

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the public at large will be indebted to the remarks of the various hon. Members of this House as to the direction in which they want economies to be made and as to the line of action in which they desire these various committees and bodies to proceed? Suggestions of that kind and character emanating from hon. Members of this House would be of much greater assistance than perhaps specific discussions on particular allotments which will have to be discussed on their merits, the result of which, as I have already stated, may be that we might make a curtailment which might not fit in with the final stage of things as might be evolved. But I am afraid there is the difficulty of our rules."

The hon. the DEPUTY PRESIDENT (in the Chair):—"Rule 30 (4) of the Legislative Council Rules states—

No motion shall be made for the reduction of a grant as a whole until all motions for the omission or reduction of definite items within that grant have been discussed."

MOTION No. 126.

3-45 p.m. Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB :—"Sir, I beg to move—

To reduce the allotment of Rs. 27,480 for Inspectors by Rs. 100.

Sir, my hon. friend, Dr. Natesa Mudaliyar, moved a resolution during the last budget regarding the appointment of more Indians as Inspectors of Police, and the hon. Member then in charge accepted the principle underlying that resolution. Now I understand that there are two Indians appointed, one Brahman and another non-Brahman, but I do not think that any Muhammadan Inspectors are appointed. My hon. friend, Dr. Natesa Mudaliyar, afterwards brought in another resolution asking that four of the Inspectors should be Indians. I then moved an amendment that out of the four one should be a Muhammadan Inspector. My object in making this motion for reduction is to ask the hon. the Law Member to see that at least one Muhammadan is appointed as Inspector."

Rao Bahadur T. BALAJI RAO NAYUDU :—"As it is a matter of general principle I take this opportunity of expressing my view. I am not talking of City Police Inspectors, whether Muhammadan or Hindu."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"The motion refers, Mr. President, to the City Police. My hon. friend will have ample opportunity, when we go to Mufasssal Police, to deal with it."

Rao Bahadur T. BALAJI RAO NAYUDU :—"My suggestion is that in case we have the Deputy Superintendent's grade, there is no necessity for the Inspector's grade. One of these two grades may very well be abolished."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I shall first deal with my hon. friend Mr. Sadulla Badhsha's remarks. He is, as I said yesterday, a sturdy champion of his community and its interests, and he will not forget that so far as Assistant Commissioners are concerned, at present both the Assistant Commissioners are Muhammadans. That shows that Government are giving due attention to the claims of his community. I am only mentioning this for the purpose of showing that, whenever possible, the claims of all communities will be considered in the matter of these appointments."

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“ My hon. friend, Mr. Balaji Rao Nayudu, referred to the question of Deputy Superintendents. Of course, there are no Deputy Superintendents in the city. The other question that he raises is one of those questions which will come within the scope of that committee referred to by me.”

• Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB :—“ My question is with reference to the appointment of Muhammadan Inspectors and not Assistant Commissioners.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I am only mentioning that by way of answering my hon. friend that inasmuch as in the grade of Assistant Commissioners the Government have felt no difficulty in having both of them Muhammadans, they will similarly treat every analogous problem in the spirit which has been evinced already.”

Mr. T. ARUMAINATHA PILLAI :—“ Those Muhammadan gentlemen rose from the Inspector's post to the Assistant Commissioner's post.”

Mr. M. RATNASWAMI :—“ Probably, my friend, Sadulla Badsha Sahib, thinks that the Inspector is more important than the Assistant Commissioner” (laughter).

The motion was by leave withdrawn.

MOTION No. 127.

Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR :—“ Sir, I beg to move—

To omit the allotment of Rs. 5,000 for rewards.

Mr. President, Sir, I do not wish to cause any reflection on the Madras Police. But I do not see why these rewards in the shape of money should be given to policemen who do their duty, though sometimes under trying circumstances. The system of reward has a bad effect in weakening the sense of duty. If a man fails to get a reward he had expected it is likely that he thinks that there is no use exerting himself hereafter beyond what he thinks is his bare duty. Even if any special recognition is necessary, it should take the form of promotion, of testimonials and of tokens like medals which would not cost much. I notice also that the allotment has been increased from Rs. 4,000 last year to Rs. 5,000 this year.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, under the Police Orders, rewards are sanctioned to police subordinates for services of special merit. But these rewards are not rewards solely granted to police subordinates. The Commissioner is also allowed to give rewards to private persons whenever there is any detection of crime in the Presidency town which in magnitude and complexity is larger than elsewhere in the Presidency.”

The motion was by leave withdrawn.

MOTION No. 128.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Sir, I beg to move—

To reduce the allotment of Rs. 10,77,400 for total town and suburban police by Rs. 1 lakh.

Sir, I must first of all thank the hon. the Law Member for the conciliatory words with which he began the question of grants; and it is but fair and reasonable that he should expect a similar attitude from the members of this

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House. It is better that we take up one or two motions and say all we have to say on this question and then we can see whether he can accept something and whether we should withdraw or whether some cut can be made by a vote of this House. The hon. Member was pleased to say that a committee had been appointed which was expected to go into the question thoroughly. The only difficulty is this. If a committee is appointed, and no reduction of grant is made, and then the committee considers that no reduction would be necessary at all, for one year we will not be in a position to consider that question at all, whereas if our suggestion is accepted by the hon. the Law Member, if some reduction is made, say a lakh of rupees out of 14 lakhs for the Town Police and one or two lakhs out of the several lakhs asked for the Mufassal Police, and if the hon. the Law Member at any stage finds that the money is not sufficient, then he can come and ask for a supplementary grant."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I am going to move for a supplementary grant."

Mr. C. V. VENKATARAMANA AYYANGAR :—"If the committee finds that more will be necessary than what is granted, there will be some more supplementary grants. Anyhow, the hon. the Law Member is going to move for some supplementary grants and it would not be difficult for him to add some more to them. As I said, it is only a question whether we should spend the whole sum for this item.

"Even last year, under Police, we had some deductions and no doubt we had a large number of supplementary demands also. So far as the Town Police expenses were concerned, the Budget estimate was 10 lakhs in 1921-1922; it was 12 lakhs at the time of the Budget of 1922-23; in the revised estimate it was 12½ lakhs, and now it has gone to more than 13 lakhs. It has only to be seen whether the hon. the Law Member cannot accept a reduction of 1 lakh. As I said, it is very important that we should go into various questions of policy, etc. There was a large reduction of police constables—not of higher officers—in the mufassal, about 2,000 or so. There was no reduction whatever in the city. I ask the Government why there should be this partiality towards the constables in Madras. In times of trouble, police officers can move from the city to the mufassal and from the mufassal to the city. Railway communications have become easy and it is not difficult to send a large force from one place to another. We are all aware of the fact that there was some disturbance when His Royal Highness the Prince of Wales visited this place, but that was at a time when the question of non-co-operation was troubling the minds of Government. Anyhow, all those troubles are gone and peace has come, so there should be no reason for the very large increase in the police force. At the time of the Mappilla rebellion we spent large sums on the police in Malabar. That is no reason why we should be spending the same amount still. In the town itself, there is a large increase in the number of constables and an increase in the pay of these people. It is better that some reduction is made now, and, if necessary, supplementary demands may be brought in later on. I do not think the hon. the Law Member means that even if these two crores and odd are given, he is going to come for a supplementary grant. I do not expect such a thing. Certainly he is for retrenchment. All I can say is that there must be some reduction at least for the purpose of discussing the question as to

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the report of the Police Committee; otherwise it would be impossible for us to do anything except by means of resolutions, and we know what the fate of such resolutions will be. It is therefore that I suggest that there should be a retrenchment of 1 lakh, probably followed by one or two more."

*Sir P. TYAGARAYA CHETTIYAR :—" Mr. President, as my hon. friend, the Member for Coimbatore, has spoken at large about the Town Police in connexion with his motion as one representing the town I feel bound to say a word or two in the matter. I am afraid that things are not yet all right as they appear to be. I cannot say that things will continue as at present for a long time or even for one year. I think it would be better that we do not touch anything in connexion with the town and leave the whole matter to the hon. the Law Member to see what he can do with the committee that has been appointed to look into the question. Until that committee goes through the whole question and comes to a conclusion in these difficult times, especially in police, I hope hon. Members will agree with me in saying that it will not be a wise thing to curtail the grant. In my opinion, this is not the right time for moving a reduction of the provision."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" What has fallen from Sir Tyagaraya Chettiyyar has considerably lessened my task. There are just one or two points that I desire to mention. There might be an impression in the minds of hon. Members, having regard to the increase in the budget provision, that the strength of the police force has been increased in the town. It is not so. The increase in the amount is entirely due to the revision of salaries. My hon. friend, the mover, may therefore take it that there is no increase in the strength of the police in the town."

Mr. C. V. VENKATARAMANA AYYANGAR :—" But as against 1,131 constables last year, we find 1,443 this year. "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" There was a difference between the last financial year and the present financial year. There are some recruitments. I am only referring to the year under reference. My hon. friend also referred to some partiality to Madras and the possibility of easily dealing with situations in Madras on account of the facilities in railway communication. If, as a matter of fact, my hon. friend had been here during the time when the disturbances in Madras took place, he would have seen how futile all the railway communications and all the facilities of which he spoke were in regard to these disturbances."

Mr. C. V. VENKATARAMANA AYYANGAR :—" So far as the number of constables is concerned the figures show an increase from 1,131 to 1,443. The number must be expected to rise only in 1923-24. Then, Sir, if railway communications and special facilities are found to be useless where rioting is expected to take place, in every village, in every place big and small there must be a number of people because at any time a riot may take place when it will be found impossible to bring police from a distant place or even one mile. Therefore in every place the number of the police must be larger than the number of inhabitants put together. That seems to be the position. Anyhow, in view of what has fallen from Sir Tyagaraya Chettiyyar and what the hon. the Law Member said, if it is to lead to harmony, I do not press my motion."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"With regard to the number I wish to say, Sir, that a reference to page 104 of the Budget will make it clear that the additional 312, have been brought into the regular number."

The motion was by leave withdrawn.

MOTION No. 129.

Rao Bahadur O. TANIKACHALA CHETTIYAR :—"Mr. President, the motion which stands in my name reads—

To reduce the allotment of Rs. 12,58,264 for Presidency Police by Rs. 100.

I am thankful to the hon. the Law Member for the statement he has made regarding the purposes for which the Police Committee has been appointed which until now remained a confidential matter. But after listening carefully to the ambit of that committee's work, the matters in respect of which I propose in this resolution to draw his attention do not relate to retrenchment but relate to matters which affect the contentment of the police as it now exists. So with that view I will begin my remarks by referring to certain facts on which I have animadverted on the last occasion when we had a preliminary discussion on the Budget. I then pointed out that we are now asked for a grant of Rs. 13,31,200 including non-voted items, while in the year 1907-08 we spent on the City Police only a sum of Rs. 3,81,300. So that our expenditure, it may be said, is three and a half times what it was 15 or 16 years ago. That time, 15 or 16 years ago, was the period after the reorganization of the Police had been introduced as a result of the labours and recommendations of the Police Commission. That Commission recommended a cadre of sub-inspectors of police by direct recruitment of men of some social status and education. I am quoting their words: educational qualifications are essential and in no case ought the standard to be lower than the University Matriculation or the School Final Examination. Not more than 15 per cent shall be given to head constables. That is at page 43 of the report. Then as regards inspectors they said: 'as to the class of men required for inspectors the Commission think they would usually be best secured by selecting good men from amongst sub-inspectors, Government reserving power to recruit directly a certain number not exceeding 20 per cent.' And again at page 69 of that report they say:

Inspectors should, as a rule, be recruited by promotion from the ranks of sub-inspectors and the latter should be recruited direct in the same manner as sub-inspectors of the district police with such modifications as may be necessary to secure a reasonable proportion of Europeans.

"Again in the same paragraph they say:

For the preservation of order and for dealing with the cases in which Europeans are concerned a considerable infusion of the European element will always be required. But this necessity must not be allowed to operate as a complete bar to the employment of natives to the higher posts.

"That is what they say. Sir, as I pointed out, we have increased our expenditure by three and a half times what it was 15 years ago. But has it brought about contentment in the services? I say 'no'. Sir, much dissatisfaction is felt by the sub-inspectors and inspectors, particularly the sub-inspectors of the City Police. Till 1918 sub-inspectors whether Indian or Anglo-Indian were all in one cadre promotion depending upon seniority unless any

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one of them is superseded on account of incompetency. In the year 1918 there was a division into two cadres, the Indian and the Anglo-Indian. The Anglo-Indian cadre had a strength of 30 (7 in the first grade, 12 in the second and the rest in the third grade, eight appointments being in the selection grade). The Indian cadre consisted of 48 and I may point out that there were three grades here also. The strength, as it now consists, of the Indian cadre is 48 all of whom except one are either graduates or under-graduates or intermediates. Probably that one is a head constable who out of the 15 per cent which was reserved for head constables was promoted into the sub-inspector's cadre. But in regard to the Anglo-Indian cadre, which was for the first time brought into existence as a distinct cadre, I am told there are only seven with any educational qualifications; twenty-three do not possess educational qualifications. The result of this division has been to promote persons without educational qualifications, at least a large number of them, to supersede Indians with educational qualifications and with longer service. From the information which I have collected the average service of the Indian sub-inspector is now 13·6 years and of the Anglo-Indian seven years only. So much so that while there is a large number of appointments in the Anglo-Indian cadre, people who though they were not sufficiently qualified were posted for vacancies existing in the different grades and were promoted rapidly while those who have been much longer in the Indian cadre remained in the same grades for a long time and still continue to be there. Ten Indian sub-inspectors at the present day are still drawing Rs. 96 while their juniors in point of service, but in the other cadre are drawing Rs. 140 or Rs. 156 while a few have been made inspectors. So that what I do point out is by this division of cadre which was not contemplated by the Police Commission, various people who with educational qualifications entered the police service and expected and rightly expected bright prospects from the recommendation of the Commission for the selection of good men for filling the office of inspectors from amongst the sub-inspectors found that the recommendations, hopes and the promises held out to them had not been carried out. Sir, Sir Murray Hammick who was for a number of years the Inspector-General of Police and who subsequently became the Acting Governor of Madras for a period of nearly six months and who may properly be called the Father of the Provincial Police Service, on the occasion of an address presented to him at Vellore while his own portrait was being unveiled expressed himself as to the capacity of Indian inspectors of police in this fashion: That was in 1912. 'At all events there is one subject on which you, Indians of the country, ought to be far superior to any Englishman who comes here and that of course is in your talent for investigating and detecting crime.' Sir, the complaint now made by the Indian sub-inspectors is that although for over 17 years most of them have been in service very few of them have been promoted to the rank of inspector which by the recommendation of the Police Commission they were expecting and which they were told they could naturally look forward to as a fruit to which they were entitled. The policy has been somehow or other not to give a fair division of the office of inspectors in the city to competent and deserving Indian sub-inspectors. Sir, while there are eight executive divisions in the city, out of the eight inspectors, the reserve inspector and the recently created traffic inspector, out of these ten there are only two posts held by Indians, all the others being held by members of the

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other community and the statistics show that the occupants of these offices do not possess the requisite educational qualifications prescribed by the Police Commission. Sir, contentment in this service is a very valuable asset. We have seen instances of the want of contentment prevailing in the service leading to very undesirable results. We have seen the supineness which characterized the police in the preservation of order at the time of the arrival of His Royal Highness the Prince of Wales. I have no hesitation in attributing that want of energy, that want of enthusiasm to want of heart or absence of heart in their work on the part of the sub-inspectors. The policemen who were about 1,132 in number remained passive without doing anything to put down disorder. The only matter to be thankful for was that they did not join in the disorder themselves. Apparently realizing that the police strength was not sufficient the large number of which my hon. friend, Mr. Venkataramana Ayyangar, complained has been added. The new addition was of 312 constables and 4 sergeants who already remained in the city in connexion with the Puliyantope troubles. The additional police, the punitive police which were in the city for emergency, have been incorporated into the ordinary service in the city so as to bring the number to 1,444. It is imagined that by adding to the strength of the constabulary they would be able to secure that protection, peace and order which was wanting previous to the addition to their strength. But I do not think that the addition has gone to the root cause. The root cause is discontent which a large number of sub-inspectors felt that their due has not been given to them.

“Sir, on this question a discussion was raised by my hon. friend, Dr. Natesa Mudaliyar, last year when the hon. Sir Lionel
4-15 p.m. Davidor after hearing all the grievances gave an assurance and an undertaking which—we after two and a half years’ work in this Council have come to realize—means nothing and that it commits the Government to nothing, but that it is only an expedient to prevent a division being taken on that resolution. The hon. Member in charge of peace and order assured my friend that he would forward the discussion in the Council to the Commissioner of Police. That was all he did, and nothing happened. Subsequent to that discussion five vacancies have arisen, some by retirement of old officers, some by confirmation of persons promoted to higher posts and some by deaths, but in no case has any appointment been given to Indians, so that each of these offices continues to be held by Anglo-Indians. I do not complain about them; they have loyally served and got promotions. But where a division has been effected into two cadres, Indian and Anglo-Indian, in regard to sub-inspectors, the same thing should have been done in fairness to all concerned with reference to the cadre of inspectors. If that has been done in the proportion of 30 to 40 as in the case of sub-inspectors, out of the ten appointments, six or seven would have gone to Indians. That not having been given to them, the feeling that they have in their minds is one of a strong grievance. They feel that there has arisen a generation which knew not Joseph and that they have reversed a policy so well enunciated by the Police Commission and approved of by a person of the standing of Sir Murray Hammick who had been himself Inspector-General of Police and subsequently rose to the very highest position open to anybody in this province. So, I do ask my hon. friend who is now in charge of law and order that he will remembering

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what he was himself claiming to be when he went before the people of Madras seeking their suffrages, 'the people's friend', now that an opportunity has been given to him by the grace of God and by the good will of His Excellency Lord Willingdon, justify the appellation by which he was going forth in the city of Madras, by removing this sore discontent which exists among the sub-inspectors of this city, and the continuance of which is bound to affect not only their contentment, but good order in the city. Under these circumstances, I hope that my appeal to my hon. friend will not go in vain and that he would not be satisfied with the consideration of the question by the Police Committee, but that he himself would consider and see that these grievances are set right."

Rao Bahadur C. NATESA MUDALIYAR :—"Sir, Mr. President, I support this motion. It was a year ago when I moved a resolution that the city sub-inspectors, both European and Indian, should be brought under one cadre, though the European sub-inspectors might be paid overseas or any other allowance. I also proposed to increase the number of Indian inspectors while recognizing the necessity for a European element in the police force. Assurances were given then, but nothing has since been accomplished. Sir, the Brahman inspector referred to by Mr. Sadulla Badshah Sahib was already existing, and the Government did not move in the matter at all. As to the increase in the number of police constables, the police constables were insufficient. It is only now that we are seeing a police constable here and there in Madras whenever we require them. As to their doing nothing at the time of the visit of His Royal Highness the Prince of Wales, referred to by my hon. friend, Mr. Tanikachala Chettiyar, may I say this? What can a police constable do with a *lathi* in his hand when there is concerted action by thousands of people? Even the throwing of stones by these people is sure to make a constable helpless. I know what took place in Tondiarpet. The constables that attempted any resistance were beaten like anything. When I went to them the next day, I found them all full of wounds on their bodies. Sir, that was in the division of my leader, Sir P. Tyagaraya Chettiyar" (laughter).

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, let my friend, Mr. Tanikachala Chettiyar, take it that the answer that I would give him is not an expedient to avoid a division. Now, with that thoroughness of preparation and that emphasis of expression which are the characteristics of my friend, Mr. Tanikachala Chettiyar, he has put forward what any hearer would think to be a strong case in regard to this matter. But I think the House do not expect me to say that I agree with him and at once to proceed to go over the business in the direction he wants me to take. I undertake to go into the matter—I am speaking for myself—and if there is such an inequality of treatment as he complains of, such an inequality, if I can help it, will not exist or continue.

"Now, there are two or three points which he adverted to. He adverted to the increase in the expenditure that has taken place not only in the case of the City Police, but also elsewhere. It was because of such increase in the expenditure on the department that the Government was moved to inaugurate the Police Committee which I have already referred to. It is to consider whether the Police is adequate and whether the expenditure under it is normal or not and other similar things, that the committee is

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sitting now. Let us hope that the labours of the committee will enable the Government to adopt a clear line of policy in regard to this department, and in that policy the matter now under discussion will be included. I may say for the information of my hon. friend that first of all I shall put this matter before that committee. Secondly wherever possible, whatever action is considered necessary by them, I shall take."

Rao Bahadur O. TANIKACHALA CHETTIYAR :—"Sir, I am glad that instead of the answer of the kind that was given when my hon. friend, Mr. Natesa Mudaliyar, moved the resolution referred to by me, instead of such a non-committal answer to the effect that the discussion on the resolution would be forwarded to the Commissioner of Police, I have had now an assurance from my hon. friend so early in his career as the Member in charge, and a promise to look into the matter, assisted as he would be, by the committee. I hope that the needful will be done in the matter by him and the committee. After that assurance, I have no wish to press the motion."

The motion was by leave withdrawn.

MOTION No. 130.

Mr. S. ARPUDASWAMI UDAYAR :—"Mr. President, I beg to move the following motion :—

To reduce the allotment of Rs. 12,360 for superintendents by Rs. 3,000.

Sir, at page 106 of the Budget, I read provision was made last year under this head for Rs. 5,760, and the number of superintendents was then only three. Normal development may account for an increase by one or two, but the increase of double the number of superintendents seems to be unusual and abnormal. An explanation, I believe, will be forthcoming, namely, that four clerks in the upper division have been abolished, and that four new superintendents have been appointed. I can understand one or two additional superintendents being appointed, but more than doubling their number is, I think, unnecessary. A superintendent for about 9 or 10 clerks should quite suffice, and the figure Rs. 12,360 is certainly too much. I hope the hon. the Law Member would accept this small reduction."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, I am afraid there has been a slight misapprehension about this matter. Last year there were twenty-six upper division clerks and three superintendents. It was felt that the number of superintendents had to be increased in order to adequately supervise the work of that office which is concerned with stores, and also to check the details. Further, what has happened now is that the total strength is twenty-six clerks and seven superintendents as against thirty upper division clerks and three superintendents last year. That is what has happened."

The motion was by leave withdrawn.

MOTION No. 131.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I move—

Omit the allotment of Rs. 12,046 for the establishments of the Deputy Inspectors-General of Police.

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"I may state at the outset that the object of this motion is not that the Deputy Inspectors-General of Police should be retained without their establishments. As was shown on the last occasion, the only constitutional way in which this House can express its opinion that the posts of Deputy Inspectors-General of Police ought not to be retained is by suggesting the omission of provision for their establishments. I am quite aware from the previous replies which the hon. the Law Member has given that the Police Committee is expected to go into this question, and this is one of the questions which are likely to come up before that body. But notwithstanding that fact, if I feel it necessary to place this motion before this House, it is because I feel that sufficient justice has not been done to the discussion which took place on this subject at the time of the Budget last year, when this question was raised and discussed from various standpoints, and the hon. Sir Lionel Davidson with his usual enthusiasm to support every item under Police vigorously supported the retention. He referred to the remarks of the Police Commission and said that Deputy Inspector-General formed a very important officer in the link and was necessary. But though one year has elapsed, I find nothing definite has been done in connexion with this matter. We have got the assurance that the Police Committee is to go into and examine this question. If this House is satisfied that as in the case of various other intermediary officers, the Inspector-General of Police is not quite necessary, I think it can only express its opinion by suggesting the reduction in the provision made in the Budget for his establishment. May I ask the hon. the Law Member to consider if, in the same spirit in which he has suggested that the Police Committee would go into this question, he will not agree to the reduction of this provision. If he holds that this intermediary officer is unnecessary and that some retrenchment may be made in this direction, it is quite necessary to make a reduction in the next year's Budget, the details being worked out later on. Suppose another course is adopted, and suppose we accept the hon. the Law Member's assurance and suggestion that the matter would be considered by the committee, then no good at all may come out of it; and there is the danger of the matter lying over probably for another year without any tangible results being achieved. It is for these reasons that I think it necessary to place this motion before the House."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, I am sorry I cannot accept the invitation proffered by my hon. friend. Let us first see what the duties at present discharged by these officers are. According to the Police Orders, they are to keep the Inspector-General informed as to the manner in which crime was dealt with in the districts and to control and advise the superintendents. Let me again reiterate what I have already said, namely, that if you are going to effect a reduction in this item, may it not be in the way of a more comprehensive reduction somewhere else? The committee may think that this particular departmental supervision is necessary and that the supervising staff just below it ought to be reduced or altered, and it is from that point of view that I would ask the House to consider this question and not to prejudge it. I may at once assure this House that this committee is not merely a dilatory committee. It is not devised to postpone a discussion of this question. It is hard at work collecting materials, and it is meeting on the 4th April and I take it that in the course of a month or two its researches will be available to Government. With that assurance let me

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again ask my hon. friend not to press the matter in such a way as to tie the hands of the committee in making possible larger economies in some other directions."

The motion was by leave withdrawn.

MOTION No. 132.

Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR:—"Mr. President, Sir, I move—

To reduce the allotment of Rs. 1,29,900 for Police—Superintendence by Rs. 1 lakh.

I have already in my speech on the Budget urged that there are too many intermediary officers in the Police Department and there is no need for four Deputy Inspectors-General. Since the pay of these officers is a non-votable item, I wish to call attention to these and other unnecessary officers who could easily be dispensed with, by proposing the reduction under votable items of the allotment of Rs. 1,29,000 for Police—Superintendence by one lakh. These Deputy Inspectors-General are quite unnecessary. The work they do of hearing appeals, levying fines, etc., can easily be done either by the Superintendents or by the Inspector-General. These Deputy Inspectors-General keep travelling most of the year. What amount of money is being spent on their travelling allowances, I need not say. What I am most concerned with is the interruption to the regular course of work in the stations which they visit. All the year round there is a regular procession of superior officials visiting the stations. One after another they come, and still they come. Each visit has to be prepared for, for nearly a month before the event. As for any office work these Deputy Inspectors-General do, most papers passing through these Deputy Inspectors-General accumulate in their offices and thus their disposal is prolonged. They form a sort of medium or post office responsible for the slow despatch of business. For these reasons, I propose the reduction of the allotment under Police—Superintendence by one lakh."

Mr. T. SIVASANKARAM PILLAI:—"Sir, I beg to support this motion, with a view to bring to the notice of this House as also the Government the fact how criticisms in this House are not given proper heed to, and how the voice of the people is not heard in connexion with administrative matters relating to the Police Department. Last year, Sir, during the Budget discussion I brought to the notice of this House and to the notice of the Government through this House a definite case. That case was this: thirty villagers in an out of the way place in my district complained that the local sub-inspector of police was tyrannizing over them. Of course, I am not asking for any justice to be done in this House. What I say is that the system itself is so bad that it does not admit of the popular voice being respected which is the real element in the present scheme of Reforms. Now, I will just repeat what I stated last year, Sir; from that you will be able to understand what I mean. Not many months ago, I received information from a number of villagers that the local sub-inspector was tyrannizing over them and levying blackmail from those innocent village people among whom I met many during the election and to whom I had stated that the coming change in the Government was going to give more and more weight to the people's voice. I stayed with them for a couple of days making inquiries to investigate into

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the complaint when so many as 30 or 40 people complained to me of this common grievance. I felt that there was a ring of truth in it. I wrote to the District Magistrate apprising him of the situation and suggesting to him an inquiry independent of the police agency. A Deputy Superintendent of Police was sent, who went there and examined so many as 22 witnesses who were sufferers in the case. The Deputy Superintendent went away from the village and sent an endorsement that their complaint was frivolous. Not only that, the sub-inspector is still allowed to continue there, giving rise to a fresh crop of grievances. Then I approached the District Superintendent of Police, who said that the Deputy Superintendent had already examined the matter and therefore he would not go into the details and that that was not his job. In this connexion, it will be remembered that if an ordinary police constable is punished or dismissed, the Superintendent of Police is bound to give his reasons which led to his decision. Not only that, the constable has got a right of appeal—one to the Deputy Inspector-General and one to the Inspector-General of Police. But when a body of people complain of a grievance against a police sub-inspector, the department thinks that no reasons need be assigned for their finding and there is no right of appeal. This is the complaint that I brought forward and put before the Council last year, as this is the place where the people's voice is heard through their representatives. Now, what has been done with regard to this matter? Did anybody care to read these remarks, did the departmental heads really take note of these things to see what could be done in the matter? A year has passed since this statement was made before this very House. What has been done? Has the Inspector-General taken note of this matter? When a body of people go and complain against a sub-inspector, is he not to find out whether the case is true or false? The reason why I rose to support this motion is to bring this prominently before this House. He has evidently not read it. No police officer has read it and nobody has taken any notice of it. If that is the way things are allowed to go on, how are we to work the Reforms and what success have we to show in them?"

Rao Bahadur T. BALAJI RAO NAYUDU :—"Sir, as a man who served in the Police Department as an inspector for six years and as a Magistrate of about 23 years' standing, I profess to know something about the working of the police. I am not going to enter into any particulars, but I may say that I consider that these intermediary appointments of the Deputy Inspectors-General are absolutely not required and they may be dispensed with. I request the Government to consider the matter."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I wish first to deal with the remarks that fell from my hon. friend, Mr. Sivasankaram Pillai. I own with considerable reluctance that I have no knowledge of these particular proceedings in this House. But I have just seen what appears in page 3309 of the Proceedings. The floor of this House is a place where grievances such as those ventilated by my hon. friend have got a claim to be heard. There is no doubt about that. I may now tell the hon. Member that there is a case in which the prosecution of a sub-inspector has been sanctioned. But there has been an appeal from one court to another and the disposal is being delayed. Whether the sub-inspector in this case is the same man, I cannot say."

Mr. T. SIVASANKARAM PILLAI :—"Sir, here it is not a case of a sub-inspector being punished or not. Whether the complaint is true or not is not

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the question. When about thirty people complain, they are simply being told that their case is without foundation and the police do not assign any reasons. It may be that the sub-inspector is going to be prosecuted or not. It may be it is a different case altogether. It may be the same individual complained against by the aggrieved parties. All that does not affect the present question. My only grievance is whether when there is a complaint of corruption against an official, the head of the department should not also enquire into the matter. If the head of the department makes an inquiry, is he not to write a minute of his proceedings assigning his reasons and communicate a copy of it to the aggrieved parties, so that they may be able to appeal to a higher authority. If this matter is not at all noticed by the head of the department or the Government, what value is there to our complaints here in this House?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I am very greatly relieved by what has just now been said. It was a very eminent chancellor who once advised a colonial judge before his appointment, who was of very ordinary legal attainments. He said 'by all means come to your conclusions, but don't give your reasons.' Because he was apprehensive that if this man went on to give reasons every one of these reasons might be faulty. That was said of a judicial officer. Does my hon. friend really expect these police officials to pass judgments on these cases? It seems to me that neither their equipment nor their leisure, provided they kept themselves to the duties of their offices"

Mr. T. SIVASANKARAM PILLAI:—"The thing is this, Sir. When a police constable who is only a servant of the people is punished for any fault he may have committed, the Superintendent is bound to draw up a minute of the proceedings, pass his judgment and to observe all those formalities and then to give that man a right of appeal. But the poor tax-payer who is the mainstay of the Government, when he is aggrieved at the hands of a Government subordinate, is he not to be assigned reasons for any decision going against him? That is my point, Sir."

The hon. the PRESIDENT:—"It is not a matter of personal explanation though of course it is a point that the hon. Member wants to be answered."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, I see exactly what is passing through my hon. friend's mind when he raised a very large question as to whether the tax-payer when he complains of these things is entitled to some reasons for the conduct of those superior officials. I do not think I am in a position to answer that question offhand, but I may say that if any individual grievances of this kind are brought forward by gentlemen of the position and status of my hon. friend, the Government will attend to these matters."

"I shall now turn to what fell from Mr. Muttukumaraswami Chettiyar. He pointed out that these intermediary supervising agencies were entirely superfluous. That is just a point that was being discussed in connexion with the last motion. There is no use, if I may say so most respectfully, in tinkering with this problem by touching it up here and there, as we are likely to have a comprehensive investigation by a committee. Let us await it, and when I say that that investigation will not be unduly delayed, I hope the hon. Member will take that assurance."

Mr. Muttukumaraswami Chettiyar did not press his motion, and it was by leave withdrawn.

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MOTION No. 133.

Mr. C. V. VENKATARAMANA AYYANGAR moved—

4-45 p.m.

*To reduce the allotment of Rs. 1,29,900 for Police—
Superintendence by Rs. 50,000.*

In doing so, he said :—“ I simply want to say one or two words on this matter. I see on page 108 of the Budget as regards assistant superintendents there were 26 last year, i.e., 1922-23, and you have 35 for 1923-24. I want to know whether the number has been increased already or whether it is intended only to be increased hereafter. I will now make the same request to the hon. the Law Member as I made to the hon. the Minister in charge of Excise that pending the investigation and the possible recommendations of reductions by the Police Committee, it is desirable that as many vacancies as possible that may occur in the near future may not be filled up. The hon. the Law Member was pleased to say that it may be possible that one or more appointments of Deputy Inspectors-General might be dispensed with and there might be some readjustment as regards the deputy superintendents. I do not think that the hon. the Law Member will have any objection to adopt my suggestion and issue an order that till the Police Committee makes its recommendations to the Government, no persons should be appointed permanently to existing vacancies. If these men are made permanent, then the Government might perhaps feel it difficult to give effect to the recommendations of the committee in regard to the permanent men. I wish to make this suggestion and I hope the hon. the Law Member would accept it.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ The suggestion will be borne in mind.”

The motion was by leave withdrawn.

MOTION No. 134.

Mr. R. SRINIVASA AYYANGAR :—“ Sir, I beg to move—

To reduce the allotment of Rs. 1,29,900 for Police—Superintendence by Rs. 100.

Sir, there seems to be a general feeling that the office of the Deputy Inspectors-General of Police might be abolished. The hon. the Law Member has just now told us that the Police Committee will go into the question and the recommendations made by them will be placed before the House. My only request is that if it is finally resolved upon to retain this office of the Deputy Inspectors-General, then the claims of deserving Indians may be considered. At present there is not a single Indian in this cadre.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Sir, I shall note what has fallen from the hon. Member.”

The motion was by leave withdrawn.

MOTION No. 135.

Mr. K. SARABHA REDDI :—“ Sir, I beg to move—

To omit the allotment of Rs. 36,900 for superintendents.

Sir, my object in making this motion is to suggest to the Government the necessity and the advisability of making the police superintendence in this Presidency less cumbersome and to gradually take steps to effect considerable

[Mr. K. Sarabha Reddi]

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reductions in the number of officers above the rank of inspectors. The work that the police are now expected to do is not so heavy or so responsible as it was some years ago. Formerly the police officers were compelled to detect cases and now that responsibility has been taken away. With the taking away of this responsible and more exacting and taxing part of the work, the police have now got very light work. They are now called upon to attend to prevention work. Prevention is such a vague term that it is not possible to bring any specific charge against any particular individual. The responsibility is now so much divided that no individual feels his burden with the result great inconvenience is caused to the public. Though the work is lightened, the police staff remains the same. I therefore wish to suggest that there should be one Inspector in charge of a division and one Superintendent in charge of the whole district and one Inspector-General of Police for the whole Presidency. The four Deputy Inspectors-General of Police that now assist the Inspector-General may be put in charge each of a fourth part of the Presidency. If my scheme is accepted, it would be possible for the Government to run the police machinery without any hazard for the public safety.

“Another point to which I wish to draw the attention of the House is the great injustice which is supposed to be done to the Sub-Inspectors of Police. Their grievance is that the pay of the constables and the head constables have all been doubled and the pay of the officers higher in rank than the sub-inspectors are also proposed to be increased and they feel that their claims have not been duly considered. It is with a view to elicit information on these points that I wish to make this motion.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“If the motion is intended to effect retrenchment, I may mention for the information of the House that the question of reducing the number of District Superintendents of Police is specifically before the Police Committee. At the same time I wish to point out to the hon. Member that out of the three listed posts of superintendents, one is intended for a European and the two others are intended for Indians. If these listed posts are cut out, then it will not help the task of indianisation. It is a very difficult problem to find out what ought to be the size of a police district and whether it is possible to reduce it as suggested by the hon. Member. As I said, all these questions are under the consideration of the committee and that is all the information that I am at present able to give.”

The motion was by leave withdrawn.

MOTION No. 136.

Mr. T. SIVASANKARAM PILLAI :—“Sir, I beg to move—

To reduce the allotment of Rs. 1,85,280 for deputy superintendents by Rs. 1,20,000.

It is somewhat reassuring that the hon. the Law Member has intimated to the House that the Government have appointed a committee to consider the reorganization of the whole force in the Presidency, with of course special reference to the several grades of officers now existing including the Deputy Superintendents of Police. At the same time, I wish to lay before the House some facts connected with my own district and which have come under my observation. I have seen four or five Deputy Superintendents of Police in succession who have been of no use to our district. With an

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[Mr. T. Sivasankaram Pillai]

inspector and a sub-inspector below, they feel no responsibility at all. They are only required to do touring work and even in this tour they do not closely examine the work of their subordinate officers. They do not offer advice to sub-inspectors in intricate cases. They are not supposed to show any constructive work in the direction of prevention of crimes. If they go on circuit, the sub-inspectors are put to a lot of difficulty in attending to their supplies. The sub-inspectors, in turn, fall on the poor ryots and the whole burden is cast upon the poor ryots. These are the several points to which I like to draw the attention of the hon. the Law Member."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" All these suggestions will be carefully borne in mind."

The motion was by leave withdrawn.

MOTION No. 137.

Rao Bahadur C. V. RANGA REDDI :—" Sir, I beg to move—

To omit the allotment of Rs. 19,680 for temporary Deputy Superintendents.

Sir, I should like to know why provision is made for five temporary Deputy Superintendents when there is already a sanctioned permanent strength of 39 Deputy Superintendents."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Sir, the Inspector-General of Police, for reasons which he had detailed at great length in his communication, dated the 23rd December 1922, wanted these appointments. He wanted to create two additional appointments for assisting the Superintendent in Kistna and the other appointments for assisting the Criminal Intelligence Department. Those were the specific recommendations made by the Inspector-General of Police. In view of the fact that the whole question of the reorganization of the Police is under the consideration of the Police Committee, these posts have been kept temporary. I think that my hon. friend would consider it advantageous to have these posts as temporary so that, if necessity arises, these posts may be abolished if the Police Committee decides in that way."

The motion was by leave withdrawn.

MOTION No. 138.

Mr. M. NARAYANASWAMI REDDI :—" Sir, I beg to move—

To omit the allotment of Rs. 5,84,100 for Inspectors.

Sir, the work of the inspectors is only to supervise the work of the sub-inspectors. The sub-inspectors are trained men, they investigate cases and detect crimes and they are more responsible than the head constables. The work of these sub-inspectors are supervised by three agencies. First, the circle inspector supervises them, then the Deputy Superintendents and finally the District Superintendent of Police. I consider it superfluous that the work of one set of officers should be supervised by three different officers. The hon. the Law Member has told us that there is a committee investigating all these questions and I should like that the committee should consider this question of abolishing the circle inspectors. I am certain that the hon. the Law Member by accepting this motion will only be facilitating the work of the committee."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, I wish it were possible to adopt the simple expedient suggested by the hon. Member. This particular matter of abolishing the circle inspectors was tried in certain selected localities and it was reported that these experiments did not prove a success. I am quite alive to the fact that there are two distinct trends of opinion in this matter. Some persons consider that the inspectors are absolutely superfluous and that they should go. As I said in my preliminary remarks, this is one of the major questions which have to be considered along with the reorganization question."

The motion was by leave withdrawn.

MOTION No. 139.

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I beg to move—

To reduce the allotment of Rs. 5,84,100 for Inspectors by Rs. 50,000.

Now, it is clear that either the inspectors or the sub-inspectors should go. The hon. the Law Member was kind enough to say that the existing vacancies would not be filled up permanently and the hon. Member was assuring the House that all the suggestions made therein would be borne in mind. I do not know of what use it would be if the hon. Member should merely bear them in mind. He must issue orders to the district authorities to carry out the suggestions of the House. He should issue strict orders that in future no vacancy of Inspector or Sub-Inspector should be filled up permanently. Without issuing such orders, I do not think that it would be of any use if the hon. Member should merely bear all these suggestions in mind."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, I do not like to give an undertaking to the House which I may not be able to carry out literally. What I meant by saying that the suggestions would be borne in mind was that they would be carefully considered and where possible they would be acted upon. I wanted to give only such undertakings as I would be able to carry out in letter as well as in spirit."

The motion was by leave withdrawn.

MOTION No. 140.

Rai Bahadur T. M. NARASIMHACHARLU :—"I beg to move, Sir, the following :—

5 p.m.

To omit the allotment of Rs. 19,866 for the Armed Reserve (Salem and North Arcot).

It will be noticed from page 110 of the budget that one Sergeant, five head constables and 71 constables are sought to be established in regard to Salem and North Arcot during the next year. I think that this provision is absolutely unnecessary. I am always opposed to the increasing of the police force unless there is absolute necessity for it. Government ought not to simply rely on the reports made by the department itself, but should investigate into the matter thoroughly whether the place is so bad as to require an additional force, and that an armed force, to preserve peace or order. I know, Sir, that on account of the scare of non-co-operation, the police force everywhere has been in a panic and they wish to secure as much additional police as possible on the mere plea that their presence will be necessary in order to preserve peace and order. But that is only a matter of imagination

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and exaggeration. I submit, Sir, that in these two districts, so far as my inquiry goes, there is absolutely no necessity for any such additional armed police force. I therefore, submit, Sir, that this is an unnecessary provision. The hon. the Law Member has not told us whether this also is a matter that is going up before the Committee."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"No, it is not."

Rai Bahadur T. M. NARASIMHACHARLU :—"The hon. Member now says that this is not one of the matters to be enquired into by the Committee. Consequently I press this motion."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I also want to support this motion, Sir, by saying a few words. I understand that this demand for a reserved police in Salem and North Arcot arose as subsequent result of some disturbance in that locality when a portion of the police there was brought away to Madras at the time of the visit of His Royal Highness the Prince of Wales. First of all, Sir, the reason for that disturbance might have been due to the taking away of that police force from there. Secondly, are we to have armed police everywhere simply because there was some disturbance in some place at a particular time on account of some abnormal or peculiar reason? We are told that because there was some disturbance in Madura about the Sivakasi affair, therefore there should be a police there for ever. In the Salem district some disturbance took place some time during the non-co-operation virulency, and therefore, we should arm the police there with arms. Because there is a likelihood of disturbance in Malabar, therefore a number of sergeants, all armed, must be placed there. In fact, some disturbance of some sort is taking place everywhere and is that a reason why we should strengthen the police as regards their number and also give them arms and ammunitions and call them armed reserve? If this principle of adding to the police force and calling them armed reserve wherever any disturbance takes place is to be continued, then, as I said, there will be no place without the police and there will be no police without arms. As a matter of principle, this allotment should be omitted, and if at any time any disturbance takes place because of the omission of this grant, then we should be prepared to consider the matter. Therefore, I think it is better that this grant is taken away."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, I think the hon. Member has himself supplied the answer when he says that we may wait until the disturbance takes place, and then find out a device to meet it. I think put in that way the proposition carries its own answer. But I do not wish to rest the matter there. This matter was investigated and was placed before the Finance Committee with a unanimous report of the district officers concerned and the Inspector-General who had been investigating the matter."

"I might give a resumé of the reasons which led to the increase of this armed reserve. Now the proposal is that the strength of the Salem district armed reserve should be increased by 1 sergeant, 4 head constables and 48 constables, and of the North Arcot reserve by 1 head constable and 23 constables. The present strength is 1 inspector, 2 sergeants, 1 jamadar and 113 constables. The reasons given are that in both these districts the reserves as at present constituted are not sufficient to deal with trouble and he bases his argument upon his experience in the past. He pointed out that in the disturbance in Salem in 1922 the reserves were not adequate to meet the

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demands of the situation and this is what we find here. The authorities consider that there are elements now present in the North Arcot district and in the Salem district which call for this emergency provision.

“No one is more anxious than myself that such ebullitions should not take place, but there is no use in keeping quiet and then, if anything occurs, rushing the armed military. It is in order to avoid that contingency that the district officers and the Inspector-General placed the matter before the Finance Committee, and this proposal has received the sanction of that committee.”

Rai Bahadur T. M. NARASIMHACHARLU :—“Sir, whenever the police are unable to quell a rioting or disturbance, they do not generally admit that it is due to their weakness, but say that their strength is not enough and the people have overpowered them, although the people are unarmed and the police themselves are armed. The hon. the Law Member told us that it is better to arm ourselves beforehand before any actual rioting or disturbance takes place. If that is so, Sir, then I think we will require such an armed police in every village, because we do not know at what moment any rioting or disturbance will take place, and therefore it is always better to be fore-armed. On that principle, Sir, we might require a million police forces to be stationed in every village in this Presidency. But the point is whether there is at present any necessity and whether the people are so excited as to require the immediate stationing of this armed police. It may be that some months before or years before there was a reason for that.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“I am afraid I have not made myself understood. I thought I made it clear to the House that because these elements are reported to be present, these reserves are kept.”

Rai Bahadur T. M. NARASIMHACHARLU :—“Then, Sir, when the report was made I am not able to understand.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“I am in a position to say that on the information before me, I consider that I must press the demand.”

Rai Bahadur T. M. NARASIMHACHARLU :—“Then all I can say, Sir, is that it is a one-sided report. I am not at all satisfied from the inquiries I made upon this point from persons who know much better than the police themselves, from the people in North Arcot itself, that there is any necessity for it, and I may say that this will be an infliction and an indignity upon them.”

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—“Sir, the hon. Member had been very cautious in the phraseology that he has used for the purpose of defending the position that he has taken. He is not able to give us any particulars from which we are in a position to arrive at any inference. All that he says is that the information at his disposal will justify him in the belief that this demand is properly made. There are also some of us who, I believe, although we have not got the special source of information such as may be open to the hon. Member, are still in a position to form some judgment for ourselves. So far as the North Arcot district is concerned, it appears to me, Sir, that this provision is absolutely uncalled for and unnecessary. I can well understand how fears are entertained by persons in the position of the hon. Member, or those whom he is at present controlling. But I may say that most of those fears are unfounded and I may also mention this. Very often we hear it said—I am not here to vouch for the

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accuracy of those matters—very often it is said that it is the mere provision that is made for avoiding the trouble that causes the trouble. I may say also that in the case of the North Arcot district that is one of the reasons that might have contributed to such ebullitions as the hon. Member has referred to. But the position is that you must take it as things stand at present. It is perfectly possible that it is not beyond the logical possibility of having such emergencies when not merely North Arcot but every other district in the Presidency might require a special reserve police. But is that going to be a basis on which my hon. friend is going to ask for any grant for the purpose of keeping this reserve ready. As matters stand at present, I do think that it is perfectly competent and perfectly desirable and perfectly possible for my hon. friend to take the risk of not having this additional police force in North Arcot, and if there are any developments unlooked for that take place, I am sure that arrangements can be easily made for the purpose of meeting a contingency that does unexpectedly arise."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, the hon. Member in charge of the Police Department has asked for a permanent addition to the armed reserve in both these districts. The present demand is for an addition for the armed reserves in these two districts at an expenditure of Rs. 19,866, and I take it that it is a permanent addition to what we have already got in those two places, or is it an addition intended to meet any temporary emergency in these places? So far as I understand it, I believe that it is a permanent addition to the cadre of armed reserves in those two districts. Therefore, I would ask him to consider whether, whatever may be the information that he has at his disposal which has not been furnished to us, the circumstances justify any such permanent addition to the police expenditure in this province. Of course we have hon. Members who represent both these districts of Salem and North Arcot in this Council. I believe Sir Muhammad Habib-ul-lah Sahib belongs to the same district, and I believe also that the hon. Member in charge of the Police comes from the same district. In these circumstances, I should like to know what ebullition or temporary emergency there is to justify this addition in those two places, and if there is any such necessity, I venture to think that the reserves from the neighbouring districts may be moved into these districts for the purpose of meeting any temporary emergency."

"Sir, the Police expenditure has mounted up in this Presidency to an enormous figure during the last fifteen years and yet we are still giving in to these proposals for additions to the permanent cadre for what they call ebullitions or temporary emergencies."

"What case has been made out? I ask him what case had been made out to incur an expenditure of Rs. 19,000 for the Police in these districts. Nothing has been said except my hon. friend vaguely referring that he has been satisfied of the necessity for it from the information at his disposal. I do not recollect to have heard of any riots or dacoities or signs of disorder in these two districts of so serious a character as to call for the introduction of additional armed reserves. So I think whatever may be the inquiry that is going to be made, we should not, by a vote in this Council, add to the already enormous expenditure of the 'Police'. I venture to think that this particular motion ought to be passed."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"It is necessary that the House should understand the provision for these armed reserves. It is not a

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matter that stands by itself. It is part of a scheme and I think that it is absolutely necessary that some investigations ought to be made in regard to the necessity for this new departure of policy. You will see from the notices given that this relates to the armed reserve in Salem and North Arcot, and the next item to the East Coast special force. Then we have got the Rajahmundry special force and there will be another in the Nilgiris, while the proposal for the forces that are necessary for Malabar are not yet come. The idea seems to be that we ought to have forces of reserves at particular centres in the Presidency to meet emergencies. That was the idea that was put forward and for the East Coast reserve as much as 600 constables were proposed. The Finance Committee to which more than one reference was made by the hon. the Law Member is not responsible for this policy. They were told that under the present condition of the country this force of 600 and odd for the East Coast should be sanctioned and some force also for other places. They did not go into the question of policy whether this system of reserves is necessary and should be centred at particular places in the Presidency. That general question has not been gone into by the Finance Committee at all and that Committee should not be made the authors of the policy."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I do not make the Finance Committee the authors of the policy. I only said that this particular provision was before the Finance Committee and was approved of."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, so far as the policy is concerned I may say that the Finance Committee did not consider it in detail and did not approve of it. The Committee approved of this particular provision for the next year on the ground that at the present moment it was said there was trouble on account of the non-co-operators and some armed forces would be necessary. It was on that ground that this particular provision was approved. But the general question whether we want all these reserves, whether they ought to be separate from the ordinary district reserves which we have got, what the strength of these reserves ought to be, and what the status of the officers ought to be, whether they ought to be on the military basis or they ought to be on the civil basis, all these will have to be gone into by some committee in detail. So I will earnestly request the hon. the Law Member to allow the committee which he said he has appointed for going into the question of the police policy, to investigate this question also. As I said, the responsibility of the Finance Committee is confined to the provision for the coming year. It does not go further. I would add that the matter of policy should be gone into in detail by some committee or other. Probably the Police Committee will be the best committee to go into that question and consider whether this additional force is necessary or not. I would earnestly request the hon. the Law Member to allow this matter to go before some committee."

Sriman SASIBHUSHAN RATH Mahasayo :—" Sir, at the time of the general discussion on the Budget, I said that this House should be made the public quorum for the discussion of all questions of policy. Questions of policy are now relegated to the various committees and we see the sorry spectacle here of members moving resolutions and withdrawing them on the strength or on the promise of the hon. Member in charge of the portfolio that the matter will be looked into by the committee."

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The hon. Mr. C. P. RAMASWAMI AYYAR:—"I did not mean to suggest nor do I suggest now that it would be finally looked into by the committee."

Sriman SASIBHUSHAN RATH Mahasaya:—"I will be failing in my duty to my constituency if I do not raise my voice here that this is just the time when we can reduce the expenditure and discuss policies. We are now being deprived of that privilege because of the committee that sits and of the promise that is being made by hon. Members. We are here for discussing the policy and reducing the expenditure and if we are not allowed to do so there is no meaning in Budget discussion. In the present case, the matter has not been referred to the committee and yet, this has been added as a new item. This is a new expenditure that is sought to be added on to the provincial expenditure and therefore I ask the House not to follow the policy that we have been following now, viz., to relegate everything to the committee, but to give our vote specifically on this question."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I think we feel thankful to Mr. Ramalinga Chettiyar for the information he has given us in regard to this question. The hon. the Law Member asked us to vote upon this motion on the strength of some information which was at his disposal but which he would not place before the House."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I did not say that I would not place that information before the House. I am going to do it."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am glad that he is going to place it before the House, and I think we will then have a better opportunity of discussing it. It is quite clear that this question was placed before the Finance Committee as the result of a general policy which has been or which is proposed to be inaugurated. In a question affecting general policy it is but desirable that before we are called upon to give our assent to this particular demand, we must be in a position to know whether the policy proposed to be inaugurated is an advisable one. In the absence of any information I think it is not fair or just that we should be called upon to give our vote. As has been pointed out already, we have got only vague information that there is a possibility of some trouble brewing in some part of this district and that therefore to be on the safeguard it is necessary to provide for this additional force. I think, Sir, that past experience shows that so far as this district is concerned there has been no specially justifying circumstances to necessitate this particular provision and that this provision ought to go out of the budget."

Diwan Bahadur Sir P. TYAGARAYA CHETTIYAR:—"Sir, I am not going into the question of policy of the Government or anything of that sort. I wish to say a word in the matter having heard the statement made by my friend the hon. the Law Member. He said that the authorities made provision for this on account of the fact that for certain reasons they are convinced of the necessity for such a force in Salem and North Arcot. We in Madras read a good deal in the newspapers about Salem and North Arcot. We are sure that everything is not as it ought to be in those districts. Further, the information that is placed before us by the Government from their responsible officers show that things are not all right. Therefore, it is not fair on our part to cut down this item. We can trust the Government to examine their policy thoroughly. This is a provision for the whole year which, in the opinion of the Government, is necessary and since they have shown the

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necessity for it if we attempt to cut it down we will be taking upon ourselves the responsibility for anything that might happen afterwards. We might ask the Government to tell us clearly what their policy in this matter is, but we must not cut down this provision."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, there are two things of a preliminary nature which I should like to say at once. In the first place, I have not the slightest objection to have the policy on this matter examined by the committee which was referred to by Mr. Ramalinga Chettiyar and it is not the intention of the Government that they should proceed in a hole and corner fashion. At the same time, I would also say this: that I have been in politics myself and if I did not satisfy myself that in order to meet a contingency which might arise at any moment such a provision is necessary, I would not have stood on the floor of the House and made the demand I am making now. Now, let me take the Members of this House through certain matters. As a matter of fact, the disturbances of 1922 showed that the reserve was not strong enough to meet the situation. The District Magistrate of Salem has placed on record his opinion that, having regard to the conditions of the district in 1922—and in 1923 the conditions have not changed very much according to him—the reserve should be raised. Similarly, so far as the district of North Arcot is concerned, I am not going to place what may be called confidential matters before the House nor will it be just to the parties concerned that I should do so. There are particular circumstances connected with this district which must be within the recollection of all and which must be within the knowledge of many Members of this House. There are particular elements in that district which make for trouble and there are conditions now prevalent in world politics which might conduce to that trouble. It is in order to guard against such troubles this provision for a year has been made. That policy can be examined by the House and the voice of the House will be predominant."

The motion was put to the House and declared lost.

5-30 p.m.

Rao Bahadur A. S. KRISHNA RAO PANTULU demanded a poll, which was taken with the following result :—

Ayes.

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|---|---|
| 1. Mr. M. Narayanaswami Reddi. | 10. Diwan Bahadur L. A. Govindaraghava Ayyar. |
| 2. " V. P. Pakkiriswami Pillai. | 11. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 3. " P. T. Rajan. | 12. " C. V. S. Narasimha Raja. |
| 4. " B. Muniswami Nayudu. | 13. Mr. C. V. Venkataramana Ayyangar. |
| 5. " W. P. A. Saundarapandia Nadar. | 14. " M. Suryanarayana. |
| 6. " R. K. Shanmugam Chettiyar. | 15. Rai Bahadur T. M. Narasimhaachari. |
| 7. " V. C. Vellingiri Goundar. | 16. Sriman Sasibhushan Rath Mahasayo. |
| 8. " Pethachi Chettiyar. | 17. Mr. R. Srinivasa Ayyangar. |
| 9. Diwan Bahadur M. Ramaoandra Rao Pantulu. | 18. " M. K. Seturatnam Ayyar. |

Noes.

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|--|---|
| 1. The hon. Sir Charles Todhunter. | 10. Mr. R. D. Richmond. |
| 2. " Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur. | 11. " E. Periyanaayagam. |
| 3. " the Raja of Panagal. | 12. " T. C. Tangavelu Pillai. |
| 4. " Rai Bahadur K. Venkatareddi Nayudu. | 13. " A. Ramaswami Mudaliyar. |
| 5. " Rao Bahadur A. P. Patro. | 14. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 6. " Mr. A. R. Knapp. | 15. Mr. S. T. Shanmukham Pillai. |
| 7. " Mr. C. P. Ramaswami Ayyar. | 16. Diwan Bahadur Sir P. Tyagaraya Chettiyar. |
| 8. Mr. E. S. Lloyd. | 17. Rao Bahadur T. Balaji Rao Nayudu. |
| 9. " A. Y. G. Campbell. | 18. Diwan Bahadur M. Krishnan Nayar. |
| | 19. Rao Bahadur O. Tanikaachala Chettiyar. |

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Noes—cont.

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| 20. Mr. W. Vijayaraghava Mudaliyar. | 25. Khan Bahadur Muhammad Usman Sahib |
| 21. Rao Bahadur Dr. C. Natesa Mudaliyar. | Bahadur. |
| 22. " A. Ramaya Punja. | 26. Mr. G. Vandanam. |
| 23. Dr. P. Subbarayan. | 27. " A. M. MacDougall. |
| 24. Saiyid Diwan Abdul Razaq Sahib. | |

Eighteen voted for and 27 against.

The motion was lost.

The Council then adjourned to meet again at 11 a.m. the next day.

L. D. SWAMIKANNU,

Secretary to the Legislative Council.

APPENDIX B.

[Vide page 2440 supra.]

Proceedings of the twenty-ninth meeting for 1922-1923 of the Standing Finance Committee of the Madras Legislative Council, held at Fort St. George on Saturday, the 10th March 1923.

PRESENT:

- (1) The Hon'ble Sir CHARLES TODHUNTER, K.C.S.I. (Chairman).
- (2) M.R.Ry. Rao Bahadur C. NATESA MUDALIYAR AVARGAL.
- (3) " Rao Bahadur T. A. RAMALINGA CHETTIYAR AVARGAL.
- (4) " A. RANGANATHA MUDALIYAR AVARGAL.
- (5) Khan Bahadur MUHAMMAD USMAN SAHIB.
- (6) Dr. P. SUBBARAYAN.
- (7) Mr. A. M. MACDOUGALL.
- (8) " C. E. WOOD.

(Rao Bahadur O. TANIKACHALA CHETTIYAR did not attend.)

Read proposals relating to the extra provision of Rs. 7,500 required in the budget estimate for 1923-24 for raising the pay of Sarishtadars of temporary sub-courts from Rs. 100 to Rs. 125-5-150.

The Committee are unable to recommend the increase except in the case of courts with territorial jurisdiction.

2. Read proposals for increase in the estimated cost of quarters for five European Sub-Inspectors and three Sergeants, Wallajah Road, Madras.

The buildings to be constructed in three storeys, the ground floor to provide accommodation for four shops to be let to private individuals and the upper floors to accommodate eight officers. The original estimate of 1.55 lakhs has risen to 2.16 lakhs. A provision of Rs. 83,250 has been made in the budget for 1923-24 for this work.

The Committee would recommend the preparation of a fresh estimate for a two-storeyed building with quarters on the ground floor. It does not appear to them likely that shops would be easy to let in the locality in question.